This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

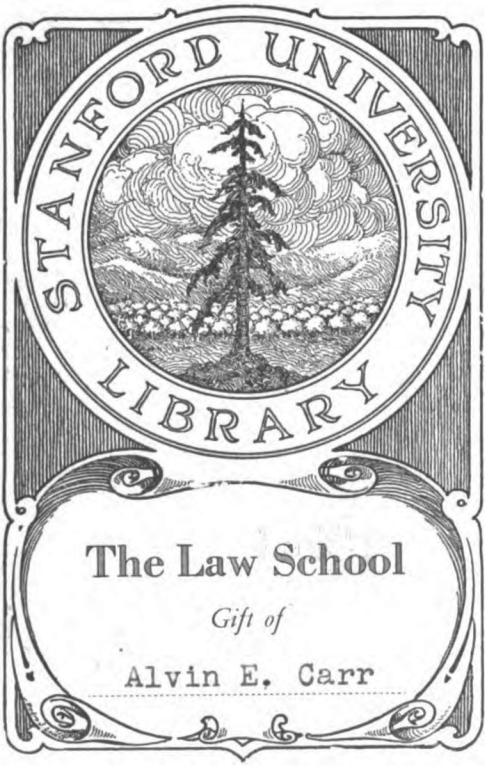
+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

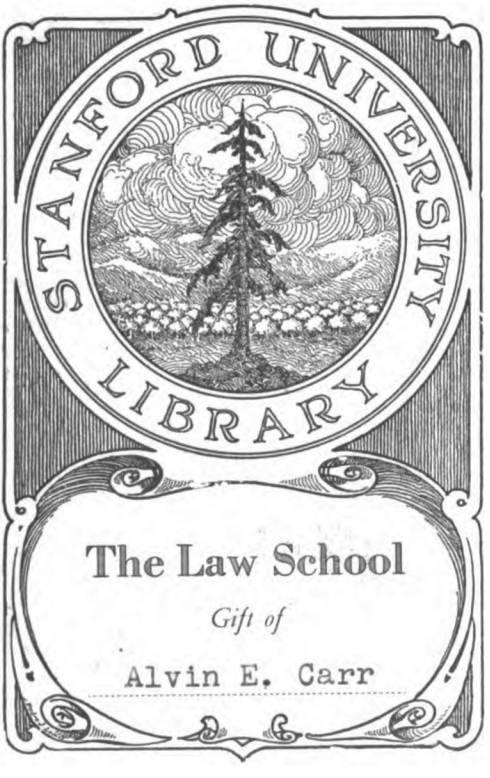
Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`



Digitized by Google

VH
CH
EW

Digitized by Google



Digitized by Google

VH
CH
EW

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

A CONCISE

LEGAL DICTIONARY

ADAPTED

For the use of Law Students and all Persons studying the Fundamentals of English and American Law

---

BY

CHARLES E. CHADMAN, LL. B., LL. M.

AUTHOR OF CHADMAN'S CYCLOPEDIA OF LAW

PUBLISHERS

AMERICAN CORRESPONDENCE SCHOOL OF LAW

CHICAGO U. S. A.

Digitized by Google

L28883

COPYRIGHT 1909
BY
AMERICAN CORRESPONDENCE SCHOOL OF LAW
CHICAGO

Digitized by Google

PREFACE.

This Dictionary is aimed to present to the law student and the busy man, words, expressions and maxims of the law in as concise a form as possible, limiting them to such terms as have a special significance in legal science.

To be able to look up the law, immediately to find a law term, at once to locate the object of the information sought, is a difficult task, and yet what assistance it is to the student or attorney, and how satisfactory to the client when his advisor shows himself thoroughly acquainted with the law and can readily answer from the reports and treatises understandingly, the object of the inquiry, quoting directly from the authority at hand.

The student's greatest difficulty is where to find what he wants. The practitioner's early obstacle is where to locate what he knows is the law, and what to the older members of the profession seems ready knowledge.

Following out this idea of giving a key to the secret chambers of the law has helped the author in avoiding an encyclopedic dictionary, and thus is presented briefly the useful, separated from the non-useful, overcoming the difficulties encountered by the student and the inexperienced.

The author learned years ago the difficulties of the searcher after legal knowledge and in the twelve volumes of Chadman's Cyclopedia of Law, already compiled, sets out the many elements and principles of legal jurisprudence, thus enabling the student to secure a practical working knowledge of the law without necessitating the securing of many works on legal subjects.

The Dictionary is a companion volume to Chadman's Cyclopedia of Law, and concisely defines in ordinary language the legal words and phrases and abbreviations used in the volumes, limiting the definitions to such terms as are peculiarly adapted to the law.

An appendix is also added wherein has been reproduced for the benefit of the reader and student the translations of the great landmarks in the development of English and likewise American liberty—Magna Charta,

Digitized by Google

Petition of Rights, Declaration of Rights, and the remarkable arraignment of the judges for over-stepping the known principles of the common law, found in the Mirrour of Justices, one of the earliest treatises on the English law. The appendix also contains the recent uniform legislation, or codification, of the Law of Sales and of Warehouse Receipts, being adopted by the several States.

In the spirit of self-education and home study this volume in its concise and simple form is submitted for the kindly consideration of the student and the profession.

CHAS. E. CHADMAN.

Digitized by Google

A CONCISE LEGAL DICTIONARY

Adapted for the use of Law Students and all persons studying the Fundamentals of English or American Law.

A, or **a**, the first letter of the alphabet, sometimes used to designate a subdivision of a legal treatise or digest, or page or paragraph of a book from the next succeeding one otherwise marked. In Roman law this letter on a juror's ballot meant absolvo; in elections, antiquo; in Law French, of, at, to, for, in, with, from; in Latin, from, by, at, on, if, of.

A, An. In law the definite article a or an, is not absolutely limited to a single one, as the power to issue **a** note for a stated amount may authorize the issue of **several** equaling the amount named.

A. 1. Of the highest quality; first class.

A. D. Anno Domini; in the year of our Lord.

A. G. Attorney General.

A. J. or **A. J. J.** Associate or Assistant Judge or Justice, or Judges.

A. R. Anno Regni; in the year of the reign.

A aver et tener. To have and to hold.

A cancellis. A Chancellor.

A consiliis. Counsellor, of counsel.

A dato or **A datu.** From the date.

A forfait et sans garantie. French, equivalent to "without recourse."

A fortiori. From the stronger. In argument, from the stronger reasoning.

A mensa et thoro. From bed and board; a kind of divorce.

A posteriori. From the latter; a train of reasoning which proceeds from the effects backward to deduce the cause; the converse of **a priori.**

A priori. From the earlier. An argument, which assuming the cause, demonstrates the results which must flow from it. From the cause to the effect.

A quo; a qua. From which.

A rubro ad nigrum. From the red to the black. From the title, which was anciently in red, to the body of the statute, which was in black.

A tort. Wrongfully; by wrong.

A verbis legis non est recedendum. From the words of the law there is no receding.

Ab assuetis non fit injuria. From matters of long standing no injury arises. An expression of the general principle that a person who neglects to insist upon his rights is deemed to have

Digitized by Google

waived or abandoned them by long acquiescence in the existing state of things.

Ab inconvenienti. From inconvenience or hardship. This phrase designates arguments which seek to refute a proposition by pointing out disastrous consequences or untenable positions to which it necessarily leads.

Ab initio. From the beginning.

Ab vinculis matrimonii. From the bonds of matrimony; a kind of divorce.

Ab intestato. From an intestate. Is generally used as the alternative or opposite of **ex testamento.**

Abactor. One who steals cattle by herds or droves.

Abandon. To forsake; abandon; disclaim; relinquish.

Abatement. A making less, suspension, taking away, removal. Also special meanings in law: 1. As respects debts and legacies. Where the funds of a decedent's estate are insufficient to pay in full debts and legacies, and the legacies are reduced **pro rata** to make up the deficit, this is termed an abatement. 2. Abatement of a nuisance, is the removal or destruction of it. 3. In pleading, a matter of defense which only tends to delay or suspend the action and does not go to the merits, is termed a plea in abatement.

Abbreviare. To abridge; to shorten.

Abbreviation. A shortened expression or symbol or letter standing for a name, phrase, date or the like.

See the list of abbreviations commonly used in law, as given in the **Appendix** to this volume.

Abbroachment. Forestalling; i. e., buying up merchandise to resell at an advance; similar to the modern cornering the market.

Abduction. The wrongful or violent carrying away of a human being.

Abdication. The abandonment of power or office, as the surrender of a throne.

Abeyance. Undetermined; in suspense. An estate is in abeyance when present in no man, but belonging to him who is next to enjoy it. Same as **in nubibus,** in the clouds, and **in gremio legis,** in the bosom of the law.

Abet. To aid; assist; facilitate, as regards the commission of an act or crime.

Abiding conviction. The settled conviction of guilt which may follow a thorough and complete examination of all the evidence in a case.

Abjure; abjurare. To forswear; to renounce an oath.

Ab nepos. A great-great-grandson.

Abneptis. A great-great-granddaughter.

Abnormal. Departing from the ordinary and usual.

Abode. One's habitation, dwelling place.

Abolition. Abrogating; annulling.

Digitized by Google

Abortion. 1. A miscarriage, or the premature expulsion of the fœtus. 2. The fœtus when brought forth before the term of gestation is completed.

About. 1. Around, close to, near, in the proximity of. 2. When employed to qualify the statement of the length of a line, in a deed, "about" shows that exact precision is not intended.

Above, court. The appellate court to which a cause is removed.

Above, defendant. The defendant before an appellate court.

Above mentioned. Quoted above. The expression arose from writing or scrolls where everything written before was necessarily above.

Abrasio. Erasing in a writ.

Abridge. To shorten, condense, diminish. To make a declaration or count shorter in substance.

Abridgment. A compendium; epitome. A digest of the law. The reduction of a claim. The condensation of the work of an author.

Abrogate. To set aside or appeal. To annul. To abolish.

Abrogation, express. Repeal by express words.

Abrogation, implied. An abrogation implied by law from facts or in a statute or treaty from terms of a subsequent one.

Abs-cedo. To depart from some place; to withdraw an action.

Abscond. To disappear; to hide one's self with intent to avoid legal process. To depart clandestinely out of the jurisdiction of a court.

Absconding debtor. One who goes beyond the jurisdiction or conceals himself from his creditors.

Absence. Non-appearance. The condition of being away or removed.

Absence beyond seas. Out of England; out of a state or the United States.

Absence cum dolo et culpa. Absence to avoid a writ, subpœna, citation, arrest, or to defeat creditors.

Absence, necessary. Where a person is banished, transported, or confined in a penitentiary or prison.

Absentee. One who has departed from the State he lived in without leaving anyone to represent him. One who never had a fixed residence in the State and resides abroad. Emmerling v. Cucullu, 18 La. Ann. 695. Also, an owner of property who resides abroad.

Absolute. Unconditional; complete in itself; not relative; perfect.

Absolute estate. One subject to no condition.

Absolve. To set free; to declare innocent; to deliver from excommunication.

Absque. Without; occurs in phrases taken from the Latin; such as:

Absque hoc. Without this. These are technical words of denial, used in pleading at common law

Digitized by Google

by way of special traverse, to introduce the negative part of the plea, following the affirmative part or inducement.

Absque impetitione vasti. Without impeachment of waste.

Abstention. Preventing an heir from obtaining possession. The tacit renouncing by an heir, of a succession.

Abstract. To take from; to separate; to remove; to take away. A concise abridgment; an epitome, a summary.

Abstract of pleas. A short statement of pleas intended to be pleaded.

Abstract of title. A memorandum or concise statement of the conveyances and incumbrances affecting the ownership of real property.

Abstracts and indices of titles to land are subjects of literary property, so long as the compiler remains owner of the unpublished manuscript, and may be entered for copyright. The term abstract of title does not mean a mere condensed copy, but implies a work requiring learning, skill and labor. Banker v. Caldwell, 3 Minn. 94.

Abundans cautela non nocet. Extreme caution does no harm. This principle is generally applied to the construction of instruments in which superfluous words have been inserted beyond what is absolutely necessary for the purpose. Such superfluous words can do no harm, if the instrument, when read without them is still valid.

Abuse. Excess of ordinary use. Violation. Departure from right. Legal though unjust action. To make an extravagant or excessive use; as, to abuse one's authority.

Abuse of female child, is an expression equivalent to rape.

Abuse of distress is a wrongful using of a thing distrained, by the distrainer.

Abuse of process is a wrongful employment of a regular judicial proceeding.

Abut. To touch ends.

Abuttal. The end of a tract of land, or place where it touches the tract next to it. Strictly, or formerly, ends of a tract have been said to abut, sides to adjoin. Abutments: the ends of a bridge, or parts which touch the land.

Abutting. Bounding upon; adjoining; in contact with.

Academy. Originally, an association formed for mutual improvement, and to advance science or art; also, a species of educational institution, of a grade between the common school and the college. In this sense, it is used in many acts of state legislatures chartering or providing for the incorporation of academies.

Ac etiam. And also. Words used in introducing the real cause of an action where it was necessary to allege a fictitious cause to give the court jurisdiction.

Accedas ad vice comitem. Go to the sheriff. In English law, a

Digitized by Google

writ to a coroner commanding him to deliver a writ to a sheriff directing the latter to make return on a writ which he had refused or neglected to return.

Accept. 1. To acknowledge the sufficiency or validity of. 2. To agree to pay a bill of exchange when due. 3. To assent to the terms of; to receive with approval; to receive with intent to retain.

Acceptance. The agreement to pay a bill of exchange made by the drawee by writing his name on its face when presented. Acknowledging the validity of an act done by another.

Acceptance, conditional. An agreement to pay a bill on the happening of some event.

Acceptance supra protest, or for honor. The acceptance of a bill of exchange to save some one's credit, after the same has been protested and becoming liable for it if not paid at maturity.

Access. Approach; or the opportunity of approaching. Usually employed, as a law term, with reference to sexual intercourse; sometimes as importing its occurrence; otherwise as importing opportunity of communication for that purpose, or such a residence of husband and wife with reference to each other that intercourse may be presumed.

Accessary or **Accessory.** Accompanying. That which is connected as an incident, or subordinate, with some other thing, deemed its principal. The word is used both as adjective and noun.

In crimes, one who, without being a direct actor in the perpetration of an offense, or present at its performance, is concerned in encouraging or promoting it, or in protecting the principal offender, is termed an accessory, or accessary.

Accessary (or accessory) before the fact. One who aids or procures a crime to be done but is absent when it is committed.

Accessary at the fact. Formerly an aider or abettor, but now called a principal in the first or second degree.

Accessary after the fact. One who knowingly aids a criminal after he has committed a crime.

Accessary to adultery. Procuring or bringing about adultery.

Accession. The right to the produce and increase of property. The uniting of various materials in one product. An increase; an incident to another thing. The mode by which an increase is made. That which is joined to another thing. The acquisition of property of a concomitant nature, by virtue of the ownership of the principal to which it is accessory, or is attached as an incident.

Other uses of the words are that the commencement of a sovereign's reign is called his accession; and if a nation becomes party to a treaty or convention already in force between others, this is called its accession to the treaty.

Digitized by Google

Accessorium non ducit, sed sequitur, suum principale. The incident does not lead, but follows, its principal.

Accessorius sequitur naturam sui principalis. An accessory follows the nature of his principal. One who is accessory to a crime cannot be guilty of a higher degree of crime than his principal.

Accident. An event not the result of negligence or misconduct; an unusual or unexpected event; that which happens without direct human agency. An equitable plea for relief, now admitted in all the courts of justice.

Accident, avoidable. One which might, with reasonable care, have been avoided.

Accident, inevitable. In maritime law, an accident which could not possibly be prevented by the exercise of ordinary care and maritime skill.

To constitute an accident or casualty, or **inevitable accident,** the occurrence must be such as the defendant could not have avoided by the use of the kind and degree of care necessary to the exigency, and in the circumstances in which he was placed. Brown v. Kendall, 6 Cush. 292.

Accident, unavoidable. Those accidents which are effected or influenced by the uncontrollable operations of nature.

Accola. One who comes from another country to till land. An agricultural tenant. A class of Italian villains. In Civil law, one who inhabits land near some well known place.

Accolade. The act of the king in putting his hand about the knight's neck in knighthood.

Accommodation bill or **note.** A bill of exchange given as an accommodation, instead of money. A bill endorsed by one person for another without charge. Such paper, regardless of the want of consideration on the part of the accommodation acceptor or maker, is enforced against him, in favor of a purchaser for value, and before maturity.

Accommodatum; commodatum. The lending of a thing, to be returned in kind.

Accomplice. Any person concerned in a crime with another.

Accord. To agree. A compact; agreement; union. An agreement by one injured to be satisfied with recompense. When the agreement has been executed, and the thing promised paid or performed, the agreement and its execution constitutes an **accord** and **satisfaction.**

According to law. As the law would cause or compel a thing to be done. In accordance with the provisions of law.

Accouchement. The act of being delivered of a child.

Accoucheur. A male assistant in childbirth.

Accoucheuse. A midwife; a female assistant in childbirth.

Account. A computation; a bill. Money had and received by defendant for plaintiff's use. A writ or action against a bailiff

Digitized by Google

or receiver, to render account. A business relation in which debts and credits are created. A detailed statement of debts and credits between parties. A record of receipts and expenditures.

Account implies mutual dealings, and the existence of debt and credit. McWilliams v. Allan, 45 Mo. 573.

It means a list or catalogue of items, whether of debts or credits. Renselear Glass Factory v. Reid, 5 Cow. 587.

Account current. An open account to which items are added at intervals; one open to further charges.

Account, final. The completing account; one which makes further action unnecessary.

Account, first. One made prior to all others.

Account, open. An account with one or more items unsettled; one to which items are added at intervals.

Account, partial. An incomplete account. Involving but a part.

Account rendered. An account delivered to the debtor, showing the creditor's demand.

Account, stated. An account rendered and admitted as correct by the debtor.

To support a plea of account stated, the evidence must show that the accounting was final; and that the accounts have been examined, and the balance admitted as the true balance between the parties. Bussey v. Gant, 10 Humph. 238.

The admission need not be in writing. James v. Fellowes, 20 La. Ann. 116.

Accountant. A man employed in accounts. One who makes a written statement regarding trust property committed to his charge. One who receives anything for which he has to account to another.

Accountant-General. An officer in Chancery to receive money lodged in Court.

Accounts, mutual. Accounts kept between merchants; those based on a course of dealing wherein each party has given credit to the other. In such accounts the statute of limitations begins to run from the date of the last item.

Account, action of. A common law writ or action allowed against a person in a fiduciary office or relation to compel him to render an account.

Accouple. To marry, to unite.

Accredit. To receive an envoy and credit him with the authority with which he comes. To send an envoy or agent with proper credentials.

Accretion. Increment; a growing to; the increase of land by natural causes.

Accroach. To attempt the exercise of power, sovereign power, without authority.

Accrocher un proces. To stay the proceedings in a suit.

Accrue. To vest; to become added to; to append to; to fall due.

Accruer, clause of. A clause in a deed to tenants in common, pro-

Digitized by Google

viding that the survivor shall receive the share of the other tenant or tenants on the latter's decease.

Accumulative judgment. A judgment rendered after another judgment has already been rendered against the same person.

Accumulative sentence. A sentence passed before the expiration of the first one, which will take effect as soon as the first one ends. A second or additional sentence.

Accusare nemo debet se. No one is bound to accuse himself. A maxim more frequently expressed in the form, **Nemo tenetur se ipsius accusare.** The principle embodied is fundamental in the criminal law, and is always upheld by the courts.

Accusation. An indictment; the charging any person with a crime; censure.

A charge made to a competent officer against one who has committed a crime or misdemeanor that he may be brought to justice and punishment. Bouv.

Accuse. To charge with a crime or offense. The term **accused** is generally applied to the defendant in a criminal case, and is said to be more appropriate than **prisoner** or **defendant.**

Ac Etiam. And also.

Acknowledge. To admit. To admit the validity of. To avow as one's act.

Acknowledgment. Confession; avowal; admission; owning to. The act of a party to an instrument in writing, in declaring before the proper officer, that the instrument is his free act and deed. The official certificate of an officer before whom such a declaration is made.

To acknowledge does not necessarily imply words. Bailey v. Boyd, 59 Ind. 292.

Acknowledgment money. A sum paid by copyhold tenants in England to new landlords.

Acquets. Property acquired by purchase. Profits of property between husband and wife.

Acquiescence. Consent indicated by silence, or failure to make any objection to a proposition.

Acquietandas plegiis. A justice's writ to compel a credit to acquit a surety after debt satisfied. Is now obsolete.

Acquisition, original. That which is obtained or created by one's own effort, and not derived from the act of another or the act of law.

Acquisition, derivative. That which is obtained by the operation of law or the act of another. Something procured from another, and not newly created.

Acquit. To set free; to clear from a charge or accusation; to discharge; to absolve.

Acquit a caution. In French law, a certificate stating that security had been given that freight loaded on a ship would not be exported.

Acquittal. Setting free; a release or discharge from an obligation; the act of a jury in finding a

Digitized by Google

person not guilty who has been accused of a crime.

Acquittal, former. An acquittal in a former prosecution.

Acquittal in fact. A verdict of not guilty.

Acquittal in law. A discharge by operation of law.

Acquittance. A written discharge of a debt.

Acquitted. Released from a debt, duty, charge or obligation. Exonerated; freed from legal custody; judicially discharged from an accusation. Refers to both civil and criminal prosecutions, but more commonly used with reference to criminal charges.

Acre. An open ground or field. A surface of land containing in England and the United States 43,560 square feet.

Act. A thing done or performed. The exercise of power. An effect produced by power exerted. A law made by a legislative body.

Act, adopted. An act for a certain locality which does not come into effect until adopted by the people of that locality.

Act in pais. An act out of court; something not matter of record.

Act, judicial. One performed by a court or person having discretionary power to determine a question.

Act of adjournal. In Scotch law, an order of the court of judiciary entered on its minutes.

Act of attainder. An act of a legislature declaring a person attainted.

Act of bankruptcy. An act which exposes a debtor to proceedings in a court of bankruptcy.

Act of God. An accident which results from natural causes, without human intervention, and could not have been prevented by any foresight or diligence.

Act of honor. Acceptance of protested paper to save some one's credit. The paper drawn up by the notary when a bill has been paid by a third party after protest.

Act of Parliament. An act of the legislature of Great Britain.

Act of insolvency. Such an act as shows a person or corporation insolvent or unable to meet obligations; or, in the case of a bank, failure to do that required by law to sustain its credit.

Act of the law. Operation of the law. That which happens by the act, or mere operation of law, as when a son succeeds to his father's estate.

Act of settlement. The Stat. 12 and 13 William III., ch. 2, by which the crown of England was limited to the present royal family. This statute limited the crown to the Princess Sophia of Hanover and to the heirs of her body being Protestants.

Act of uniformity. Statute 1 Elizabeth, c. 2, and 13 and 14 Charles II., c. 4, by which the public worship of the Church of England is regulated.

Digitized by Google

Acta. The acts or proceedings of magistrates and public officers, or courts of record. Records; actions; the acts of individuals.

Acta, exteriora indicant interiora secreta. Outward acts indicate inward purposes.

Acta diurna. Daily acts.

Actat in toga. Acts in the gown.

Acta publica. The register of public acts.

Acte. In French law, writing attesting the performance of an act or the happening of an event. Thus:

Actre d'heritier. In French law, act of inheritance. An act indicating the intention of an heir to accept an inheritance.

Actes de mariage. In French law, certificates of marriage.

Actes de deces. In French law, certificates of death.

Actes de l'etat civil. In French law, public documents.

Acting. Performing the duties of an office which belongs to another; as, acting partner, executor, etc.

Actio bonæ fidei. Action of good faith. They were a class of actions at Civil law resembling our equity actions.

Actio calumniæ. An action to restrain another from prosecuting an uncalled-for proceeding.

Actio damni injuria. In Civil law, a class of actions for damages.

Actio de dolo malo. Action of fraud.

Actio ex conducto. One to compel a bailee to deliver the thing hired.

Actio ex contractu. An action based on contract.

Actio ex delicto. One based on tort or wrong.

Actio ex empto. An action of purchase; brought by the buyer to obtain possession of the thing bought.

Actio exercitoria. An action against the owner of a ship on contracts made by the owner's slave while the latter was navigating the ship.

Actio ex vendito. An action of sale; brought by the seller to recover the price of the article sold and delivered.

Actio ex locatio. In Civil law, an action against one who hired an article.

Actio ex stipulatu. In Civil law, an action to enforce a stipulation.

Actio in personam. An action against the person.

Actio in rem. Same as Action in Rem.

Actio legis. An action at law.

Actio negotiorum gestorum. Actions between principal and agent, or growing out of dealings of an agent.

Actio non accrevit infra sex annos. A plea of the statute of limitations to the effect that plaintiff's claim had not accrued within six years.

Digitized by Google

Actio non. Abbreviation of **actio non habere debet.** He ought not to have his action.

Actio non ulterius habere. The clause in the new plea to the further maintenance of the action, introduced in place of the plea **puis darrein continuance,** that the plaintiff ought not further to have or maintain his action.

Actio personalis. A personal action.

Actio personalis moritur cum persona. A personal right of action dies with the person. A maxim which formerly governed the survival of personal actions, now regulated by statute. Thus assault, libel and slander are actions which do not survive to the personal representatives.

Actio præscriptis verbis. In Civil law, an action based on the unwritten law.

Actio realis. A real action.

Actio stricti juris. In Civil law, an action of strict right. Actions determined in accordance with the strict letter of the law.

Actio transitoria. An action, the cause of which might have arisen in one country as well as another. All personal actions whether ex contractu or ex delicto.

Action. A civil or criminal proceeding in a court of justice for the determination of some issue of fact or law. A legal demand of a right. A proceeding in a court of law, which at one time ended with the judgment and did not include execution.

The right of recovering in a court of justice what is due or owing to one's self. Brown.

The means by which men litigate with each other. 3 Bl. Com. 117.

Action may be defined as an abstract legal right in one person to prosecute another in a court of justice; and **suit,** as the actual prosecution of such right, in a court of justice. Matter of Hunter, 6 Ohio, 499.

Action, amicable. An action brought to settle a doubtful point of law, by the consent of both parties.

Action, ancestral. One brought to recover land, based on the seizin of the ancestor.

Action, bailable. One which requires the defendant to furnish bail for his appearance.

Action, civil. The form of a suit for the recovery of that which is due an individual or firm from another, as distinguished from criminal proceedings, which are for the purpose of punishing crime and the upholding of public justice.

Action, common law. An action allowed at common law and to bring which statutory authority is not necessary.

Action, criminal. An action for the punishment of a violator of public law.

Action, consistorial. In Scotch law, matrimonial cause.

Action, declaratory. In Scotch law, one in which the right of the plaintiff is requested to be

Digitized by Google

declared but nothing claimed by the defendant.

Action, droitural. An action brought to determine a right to the title as distinguished from a possessory action.

Action emulationem vicini. An action brought merely to distress or injure another.

Action, ex-contractu. Action for a breach of contract. As assumpsit, debt, covenant and detinue.

Action, ex-delicto. Action for wrong not connected with a contract. As case, trover, replevin and trespass vi et armis.

Action feigned. Same as **Action, fictitious.**

Action, fictitious. One brought to settle a point of law, there being in fact no controversy.

Action, formed. One for which a set of words is prescribed.

Action in rem. An action against a thing; an action for the recovery of a thing against the one possessing it, by the one to whom it belongs as distinguished from an action **in personam.**

Action, local. One which must be brought in a particular place.

Action, mixed. A suit for the thing and against the person who has it. An action partaking of the nature of both a real and personal action, as for the restitution of real property and damages from the one who committed a wrong in connection with it.

Action of account. An action to compel the defendant to render an account and pay the balance, if any, to the plaintiff.

Action of account-render. An action against one having money for some purpose, where the jury determines the item in dispute.

Action of book debt. An action for the recovery of a debt evidenced by a book account.

Action of debt. An action for the recovery of money due on a contract whether expressed or implied, verbal or written, for a sum certain or which can be reduced to a certainty.

Action of mesne profits. An action to recover rents, profits, and the value of waste or depredations committed by one who wrongfully held it from the other.

Action of seduction. An action for the loss of society and services of a wife or daughter, because of having been seduced.

Action of trespass. An action for damages for injuries resulting immediately from an act of force. If not the immediate result of the forcible act, the proper form of action is **case.**

Action, penal. A suit for some penalty or punishment on the parties sued. Action for the recovery of a penalty.

Action, personal. A suit on any contract or account, or for an offense or trespass; one brought to recover personal property.

Action, possessory. One brought to recover possession, without determining the right.

Digitized by Google

Action, preparatory. An action brought to determine a preliminary matter on which another matter depends, or to determine some question involved in another action.

Action qui tam. One brought on behalf of the King and the informer.

Action, real. One for the recovery of real property.

Action, statutory. An action which can be brought by authority of some statute.

Action, transitory. One which may be brought in any county.

Action upon the case. An action at common law for damages for injuries resulting indirectly from some act or force.

Actionable. That which may be the subject of an action.

Active debt. One drawing interest.

Active trust. One which requires action on the part of the trustee.

Acton Burnel. The statute of 11 Ed. 1, A. D. 1283, ordaining the Statute Merchant.

Actor. The proctor or advocate in civil courts or causes. A plaintiff, the opposite of **reus**, a defendant.

Actore non probante, reus absolvitur. Plaintiff failing in his proof, the defendant is absolved.

Actor in rem suam. An agent or attorney in his own business.

Actori incumbit probatio. The burden of proof rests upon the plaintiff.

Actrix. A female actor or plaintiff.

Acts of Union. Between England and Wales, 27 Henry VIII., c. 27, and 34 and 35 Henry VIII., c. 26; between England and Scotland, 5 Anne, c. 8, and 6 Anne, cc. 6 and 23; between England and Ireland, 39 and 40 George III., c. 67.

Actual. Existing in fact; that which is real, as contradistinguished from what is only imputed or conceived.

Actual cash value. The amount of cash which goods will bring in the market.

Actuary. A short-hand writer. A copyist. A clerk who registered the acts of the convocation. A secretary of a public body or ecclesiastical court. The manager of a stock company. An adviser on matters of calculation. One skilled in the principles of annuities and insurance calculations.

Actus curiæ neminem gravabit. An act of the court should prejudice no one. Laches of the court will not be allowed to affect the litigants.

Actus Dei nemini facit injuriam. An act of God does injury to no one; that is, they will be overlooked by the law, and not be chargeable to any person.

Actus geminus. A two-fold act.

Actus legis nemini facit injuriam. An act of the law does injury to no one. In another form, **Actus legis nemini est damnosus.** An act of the law is hurtful to no one. An act of the law is to be

Digitized by Google

limited in its operation, so that it shall not work prejudice to the rights of any person. Illustrations of the principle are found in the application of rules relative to the effect upon rights of property, of marriage, divorce, merger of estates. See Milbourn v. Ewart, 5 Term, 381.

Actus me invito factus, non est meus factus. An act done without my assent is not my act. Thus an act performed under duress is not chargeable to the person so compelled to do it. To excuse, the force exerted on the person must be illegal, and not resulting from a judicial decree.

Actus non facit reum, nisi mens sit rea. My act will not be guilty, unless my intention be guilty. This maxim does not apply where the law expressly forbids the doing of a thing. Broom's Max. 307.

Actus Parliament. An act of Parliament.

Ad. To; for; at; until; by; near; on; on account of; upon; toward; in relation to; about; concerning.

Ad damnum. To the loss or damage.

Ad ea quae frequentius accidunt, jura adaptantur. Laws are to be adapted to cases which frequently occur.

Ad filum aquæ. To the thread of the stream.

Ad filum viæ. To the middle of the way.

Ad inquirendum. To inquire. A judicial writ directing inquiry into a matter material to a cause pending.

Ad interim. In the meantime.

Ad jura legis. For the rights of the law.

Ad jura regis. For preserving the rights of the Crown. A writ brought by the King's clerk against those who would eject him from a living.

Ad litem. For the suit; with reference to the suit; for the purpose of prosecuting or defending a suit.

Ad longum. At length.

Ad ostium ecclesiæ. At the door of the church. An ancient species of dower.

Ad proximum antecedens fiat relatio, nisi impediotur, sententia. Have reference to the nearest antecedent, unless the meaning hinders. A maxim of construction.

Ad quem. To which.

Ad quæstionem facti non respondent judices, ad quæstionem legis non respondent juratores. To a question of fact the judges do not answer; to a question of law the jurors do not answer.

Ad quod damnum. To what damage. A writ directing the sheriff to inquire what damage, if any, will result if a specified act be done.

Ad quod non fuit responsum. To which there was no answer. A phrase used in old English reports signifying that a point raised was not noticed by the court or answered by the other

Digitized by Google

side, or that an objection was met by the court and not again referred to by the counsel who made it.

Ad satisfaciendum. To satisfy.

Ad sectam. At the suit of.

Ad terminum qui præteriit. For a term which has passed; for an expired term. A writ of entry for lessor or his heirs where lands are withheld.

Ad tunc et ibidem. Then and there. A clause in an indictment or other instrument to indicate time and place previously mentioned, so that it need not be repeated.

Ad valorem duty. Duty levied "according to value," as distinguished from specific duties.

Ad ventrem inspiciendum. An ancient writ to determine the pregnancy of a woman.

Adalat. Justice. Equity. Court of Justice.

Addition. The estate, degree, occupation, and place of abode given one beside his name. In English law, estate, degree, or name of dignity, trade, mystery or occupation, place of residence.

Adeem. To take away; to revoke. To satisfy a legacy or bequest by some gift or thing, by the testator in advance.

Ademptio. A taking away; a seizure; a revocation of a legacy.

Ademption. The disposal of a testator of property devised or bequeathed by his will or testament so that the devise or bequest is destroyed. The act by which this is done.

Ad-esse. To be present. To advocate. To defend in law. To undertake a legal cause, as an attorney.

Adherence. In Scotch law, an action by either party for the restitution of conjugal rights.

Adjacent. Lying near to, or in the neighborhood of.

Adjoin. To lie side by side; to be contiguous to.

Adjourn. To put off; to delay; to postpone to a day certain.

Adjudge. To determine by the exercise of judicial powers.

Adjudicate. To adjudge; to sentence; to determine.

Adjudication, former. A previous judicial determination of a matter without which a verdict could not have been rendered.

Adjust. To regulate; to put in order; to determine what is due; to settle. To ascertain and apportion.

Admeasurement. An assignment by measure; reducing to measure. A writ against persons who usurp more than their share.

Adminicle. Aid or support. Whatever pertains to judicial proceedings. Cumulative or corroborative testimony. Evidence introduced to prove a lost deed.

Administer. To manage, take care of. To supply. To measure out. To perform the duties of administration.

Administrator. A person appointed by letters from a court of

Digitized by Google

probate and charged with the authority of settling up the affairs of a deceased person's estate.

Administration de son tort. Administration is his own wrong.

Administration. Aid or assistance. Management of property or public affairs. The service rendered in the settlement of a decedent's estate.

Administration cum testamento annexo. Administration with the will annexed.

Administration de bonis non. Administration concerning goods not disposed of, as where one is appointed to succeed an administrator who has died before completing his trust.

Administration de bonis non, cum testamento annexo. Administration upon goods not administered and with the will annexed to the letters.

Administration, letters of. Letters given by the probate court or officer to the person selected to administer upon an estate.

Administrator pendente lite. One who serves as an administrator while a suit is pending to test the validity of the will.

Administrator with the will annexed. One appointed where the will names no executor or the one appointed will not or cannot serve.

Administratrix. A female administrator.

Admiralty. A court having jurisdiction extending to all matters arising from navigation on navigable waters; also the system of jurisprudence which has grown up in connection with these controversies.

Admit. To acknowledge; to receive or take, as to admit evidence in the trial of a case.

Admissible. That which by the rules of evidence should be received.

Admission. An act of acknowledgment; a confession of or consent to the truth of something asserted.

Admixture. Intermixture of the goods of different owners so that they are indistinguishable.

Admonition. A judicial reprimand. An ecclesiastical censure.

Admonitio trina. A triple warning.

Adnepos. The son of a great-great-grandson.

Adneptis. The daughter of a great-great-granddaughter.

Adolescence. The age between childhood and manhood or womanhood; from twelve to twenty-one in females, fourteen to twenty-one in males.

Adopt. To receive as one's own. To take as a son or daughter the child of another.

Adoption. The taking or choosing of another's child or one's own. This right is usually regulated by statute.

Adrift. Floating on the water and not deposited on the shore.

Ads., Adsm., Ats. Abbreviations or contractions of **ad sectam,** i. e., at the suit, as Richard Roe ads. John Doe.

Digitized by Google

Adscriptus glebæ. Annexed to the soil. Slaves of the Middle Ages, who were sold with the land.

Adscriptus, servus colonæ. A slave attached to land as a cultivator.

Adtunc. Then.

Adult. In Civil law, a person who has reached the age of fourteen if a male, or twelve if female. In Common law, a person aged twenty-one, of full age, or who has arrived at legal majority.

Adulteress. A woman who commits adultery.

Adulterine. Children conceived by an adulterous act of intercourse.

Adultery. Incontinence between two married persons. Sexual intercourse between two persons, one of whom is married to another. A marriage not approved by ecclesiastical authorities. Illicit intercourse by an unmarried man with a married woman is only fornication in him. Com. v. Lafferty, 6 Gratt, 672.

Adultery, double. Adultery where each party is married to another. Where but one of the parties is married, it is styled **single adultery** in the one so married.

Adultery, incestuous. Adultery by persons related within the prohibited degrees of marriage.

Ad-usque. To, quite, or even to; all the way to.

Adv. Abbreviation of **Adversus**, against.

Advance. To furnish before due.

Advancement. The act of advancing. Portion of settlement in life. A settlement or gift made in advance by a parent to or for a child; also that received in that way. An advancement is to be taken in account in the final settlement of a person's estate, and constitutes a part of the recipient's share of the estate, and is distinguishable both from a loan and a gift.

Adverse. Opposed to; conflicting with; that which resists a claim or proceeding.

Adverse possession. Possession openly and avowedly contrary to the right or claim of another.

A possession to be adverse must be so open, notorious and important as to give notice to parties that a claim of right is intended thereby; that the right of the true owner is invaded intentionally and with a purpose to assert a claim of title adversely to his. Carroll v. Gillion, 33 Ga. 539.

Adverse witness. One whose mind is hostile or biased to the party examining him.

Advice. Legal counsel. Opinion.

Advise. To give advice; to suggest; to take counsel. To consult, as a court does after the argument and before the decision of a cause.

Advocate. The patron of a cause in civil and ecclesiastical law. A person privileged to plead for another in court. The patron of a living.

Advocate, Lord. The chief Crown lawyer and public prosecutor in Scotland.

Digitized by Google

Advocate, Queen's. In English law, a member of the Advocate's College and legal adviser and counsel for the Queen.

Advowson. The right of presentation to a church or ecclesiastical benefice.

Advowtry. In English law, the continuing, by a married woman to live with a man with whom she had committed adultery.

Aedificare in tuo proprio solo non licet quod alteri noceat. It is not lawful to build even on your own land what may injure another.

Aedificatum solo, solo cedit. What is built upon land goes with the land.

Aequitas. Equity.

Aequitas sequitur legem. Equity follows the law. A maxim in equity.

Aestimatio capitis. Valuation of life, or of a human life.

Affiant. A person making an affidavit. Also called **deponent.**

Affidavit. A declaration in writing, sworn to before a person competent to administer the oath.

Affinitas or affinity. The relationship between the respective kindred or blood relations of a married couple.

Affirm. To confirm a former law or judgment. To confirm a voidable contract. To make a statement as a witness in court without taking oath.

Affirmanti, non neganti, incumbit probatio. Upon the party affirming, not the party denying, rests the burden of proof.

Affirmative. The party who has to take the initiative in offering proof; the opposite or negative.

Affirmance. The confirmation of former law, contract, or judgment. A statement as a witness not under oath.

Affix. To attach; to append; to fasten to.

Afforce. To strengthen, add to, increase. To compel. To ravish.

Afforcing the assize. To obtain a verdict by adding jurors until some twelve of the jury agreed; or, later, by keeping the jury without food and drink till a verdict be reached.

Affray. A mutual fighting in a public place. Mere words will not constitute an affray. O'Neill v. State, 16 Ala. 65.

Affranchise. To make free.

Afore. Before.

Aforesaid. As before mentioned. An expression used to avoid repetition.

Aforethought. Premeditated; prepense; previously designed or intended.

African. A negro.

After-acquired. Obtained after some event.

Aftermath. The second crop; the results.

Against. In opposition to; contrary; in contradiction to.

Against the form of the statute. In violation of a statute. Essen-

Digitized by Google

tial words in indictments and declarations on penal statutes.

Against the peace. A term used to charge a breach of the peace.

Against the will. Not voluntarily. Words used to charge violence.

Agalma. The impression of anything on a seal.

Age. The part of time wherein men live. The period at which persons are qualified to perform certain acts. The period of existence of persons or things.

Age, lawful. The period in life when one may legally perform certain acts.

Age, non. Under the age when certain acts can be legally performed. Under the age when one can be held criminally responsible.

Agency. Activity. The relation of an agent to a principal. The means of acting.

Agency, commercial. A person or association whose business is collecting information for others regarding the credit of those engaged in trade or commerce.

Agent. One employed to act for another, and who does the act by the authority and in behalf of his principal. An agent to distinguish from a servant in that the agent stands in place of the principal.

Agent and patient. Where the same person is the doer of a thing and the party to whom it is done. As an executor who is a creditor of the deceased and pays himself out of the estate.

Agent, innocent. One who is caused to perform a part in a crime through another without intention or knowledge of the effect of his act.

Agent, special. A person employed for a special purpose; as to do a single act or transaction.

Agent, sub. A person employed by another agent to do all or a part of his duties.

Agent, universal. One who has all the power to do all the acts his principal can do.

Age-prier or prayer. Formerly, a motion or plea by a minor that a suit against him be stayed until he be of age. Where a defendant prayed in aid of the King or another.

Aggravated. Made worse; increased in severity .

Aggravation. A making worse; more injurious; tending to increase the amount of damages claimed; tending to enhance the enormity of a crime or the injury of a wrong. In Church law, a curse against an obstinate offender.

Aggravation, matter of. That which is ground for increasing the damages awarded for an injury.

Aggregatio mentium. A union of minds. A mutual agreement.

Aggressor. One who begins a dispute or quarrel; either by contumelious language, or by threatening or striking another.

Digitized by Google

Aggrieved. Subjected to an injury or erroneous judgment; exposed to loss of property or rights.

Agio. The term used in commerce to express the difference in value between one kind of currency and another.

Agist. To put, place, assign, apportion. To feed the cattle of strangers in the King's forests. To take in cattle to feed or pasture at a certain rate of compensation.

Agistment. A species of bailment where other men's cattle are fed at a rate per week. The profit of feeding the cattle of others.

Agius. Holy.

Agnati. In Civil law, relatives of the father; agnates.

Agnatus. Born to or connected with by birth. By usage, limited to relations on the father's side; relationship through males.

Agnatus proximus. The next or nearest agnate.

Agnomen. In Roman custom a person had four names, the agnomen being the name derived by achievement, or personal peculiarity.

Agnostic. One who believes in the theory that God is unknown or unknowable.

Agnus Dei. The Lamb of God. An oval piece of white wax, stamped with the figure of a lamb, and consecrated by the Pope. Prohibited by Stat. 13 Eliz., from being brought into England.

Agrariæ leges. The Agrarian laws; land laws.

Agree. To be in concord; to grant; to yield; to settle amicably; to concur.

Agreed statement of facts. A statement of facts which the parties to a cause agree shall be submitted to a court for judgment.

Agreement. A joining together of two or more minds in anything done or to be done. The effect of the joint consent of two or more parties to a contract. To be legal, the parties must be capable of contracting. **Agreement** in its popular sense, means no more than concord, the union of two minds to the same thing, a concurrence of views or intentions.

Agreement, conditional. One which depends on the happening of an event, the performance of a condition, or the existence of a state of facts.

Agreement, executed. An agreement where nothing further has to be done.

Agreement, executory. One yet to be performed.

Agreement, express. Such as are in express terms.

Agreement, implied. One implied from facts.

Aid. Help, assistance. Originally the obligation upon the feudal tenant to assist his lord in defense of the feud or feudal so-

Digitized by Google

ciety. Afterwards, understood to import an obligation to contribute to the private necessities of the lord. Aids were not of direct feudal obligation, and were various and uncertain, but became established renders of duty. The three most frequent aids in Normandy were, to make the lord's eldest son a knight, to marry his oldest daughter and to ransom his person.

Aid and abet. To assist, encourage. To assist another in accomplishing some design or purpose.

Aid and comfort. An act of benefit to an enemy which would have subjected the doer to punishment for treason by the law of his own country.

Aider by verdict. Where a defect or error in pleading which might have been objected to is, after verdict, no longer open to objection.

Aiding and abetting. Being present and doing something to aid a person in the commission of a crime without sharing directly in the deed.

Aieul. A grandfather.

Aile. A grandfather. A writ against a stranger who dispossesses a grandson heir.

Akin. Of kin.

Al fine. At last; at the end.

Alcalde. An officer in Spain and some places originally Spanish, with duties similar to those of a mayor or justice of the peace.

Alderman. Originally a senator or senior. An associate to the magistrate of a city or town corporate. A degree of nobility among the Saxons signifying an earl. Literally an elder. A member of a city or town legislature.

Alea. In Civil law, a game of chance. Gain or loss of a contract.

Aleator. In Civil law, a gambler.

Aleatory. Hazardous; uncertain.

Aleatory contract. A hazardous contract; a contract of risk; as a contract of insurance.

Alias. Otherwise; at another; at another time; at other times; on another occasion; formerly; before. A second or further writ, issued after a capias is sued out without effect.

Alias capias. Another or second capias.

Alias ca. sa. Alias capias ad satisfaciendum; another writ to take the person; to make satisfaction.

Alias dictus. Otherwise called. The manner of description of a person known by two or more different names.

Alias scire facias. That you again cause to be informed. A second writ of scire facias.

Alias writ. A second writ issued after a previous one has been issued without effect.

Alibi. In or at another place; elsewhere. A defense in a criminal prosecution, by the accused showing that he was at another place when the crime was committed.

Digitized by Google

Alien. One born in a foreign country, not naturalized. An allodial estate as distinguished from a fief.

Alien born. A naturalized citizen or subject.

Alien enemy. A subject of a foreign nation at war with our own.

Alien friend. A subject of a nation, at peace with our own.

Alienable. That which can be transferred from one person to another.

Alienage. The condition or legal status of an alien.

Alienation. A transferring the property of one thing to another; conveyance, especially of real property. Changing from ecclesiastical to secular ownership.

Alienation imports a transfer of the entire title; a transfer short of the conveyance of the title, is not an alienation. 11 Barb. 624.

Alienation, absolute. An unconditional and unqualified transfer of real property.

Alienation, conditional. An alienation depending on the happening of some event or the performing of some act.

Alienee. One to whom property is transferred.

Alienor. He who transfers realty.

Alieni juris. Under another's authority; a person subject to the power or authority of another.

Alimony. Nourishment or maintenance. The allowance or provision for support given a married woman upon divorce or separation from her husband.

Alimony pendente lite. Temporary alimony allowed while a cause is pending.

Alimony, permanent. Alimony payable so long as both parties live.

Aliqualiter. In any way.

Aliter. Otherwise; in another manner; in other respects.

Aliud est celare, aliud tacere. It is one thing to conceal, another to be silent. That is, silence is not always concealment.

Aliunde. From another source or person; from elsewhere. Applied to evidence derived from extrinsic sources.

All-fours. Entirely alike. A metaphorical expression, applied to decisions and cases which are alike in the material points.

All rights reserved. An expression used by authors as notice that they reserve all rights given by law, such as right of translation, dramatization.

Allegans suam turpitudinem non est audiendus. He who alleges his own infamy is not to be heard. A maxim in pleading.

Allegata et probata. Alleged and proved. Allegations made in a cause and what is proved. The allegations and proofs must agree.

Allegans contraria non est audiendus. He who alleges contradictory things is not to be heard. A maxim of pleading.

Allegation. Statement or pleading. Positive assertion.

Digitized by Google

Allegation, disjunctive. An allegation which states a thing alternatively, or with the use of "or."

Alleged. Affirmed; declared; pleaded.

Allegiance. The lawful obedience a citizen or subject owes his country or sovereign in return for the protection and rights he receives from the common government.

Allegiance, local. That due from an alien or stranger during the time he remains in a country.

Allegiance, natural. The allegiance a man owes the country he was born in from the time of his birth until he leaves it and becomes a citizen of another country. Also called absolute and permanent allegiance.

Allocatur. It is allowed. The endorsement on a request for a writ or order. The writ requested. A certificate that costs taxed are allowed same as, "allowed."

Allocatur, non. It is not allowed.

Allocatus. The demand, by a court, of a convicted prisoner, whether the latter has anything to say why sentence should not be pronounced.

Allodial. That which is not held of any superior; an estate held free, the opposite of feudal.

Allodium. Free, absolute, independent ownership; an estate held in absolute dominion, without owing any rent, fealty, service or duty to any superior on account thereof. Land is not held in allodium either in England or United States. In U. S. it is held subject to the right of the State to take when it decides the land is required for public purpose. The land is also held only on the payment of a sum of money or any service the State sees fit to impose; on failure to pay or perform the service the State can forfeit the land or hold for its own use or benefit, or grant to another.

Allonge. A piece of paper annexed to a bill or note, for the purpose of making further endorsements, where no room is left for that purpose on the instrument itself.

Allot. To set apart a specific property, or share, to one person.

Allow. To permit; to grant; to yield; to sanction; to make provision for.

Allowance. Sanction; license; permission; a grant or stipend. That portion or amount allowed by a court for any purpose.

Alloy. A base or inferior metal mingled with gold or silver to increase its serviceability.

Alluvion. The imperceptible increase or gain of land from the flooding of a stream or the sea, and produced by gradual deposits from the waters.

Alma mater. Benign mother; a foster mother. A term applied to the college or university where one has graduated. It is said to have been first applied to Cambridge.

Alms-house. A house appropriated for the reception and support of the poor.

Digitized by Google

Also. Moreover; in addition to. Besides; as well as.

Alter. To modify or change in form without changing identity.

Alter ego. Another's self; another like me in appearance or behavior.

Alteration. The changing of a thing.

Alteration, suspicious. Such an alteration in an instrument writing as would cause suspicion that it would have a different effect than that first intended.

Alternative. Giving an option in two things; as, to do an act or show cause, like an alternative writ of mandamus.

Alternative writ. An order of Court directing a person to do a stated thing or show cause why he does not do it.

Alterum non dædere. Not to injure another. One of Justinian's three fundamental maxims, the others being **honeste vivere** and **suum cuique tribuere.**

Altius non tollendi. In the Civil law, a servitude due by the owner of a house, by which he is restrained from building beyond a certain height.

Altius tollendi. In the Civil law, a servitude which consists in the right, to him who is entitled to it, to build his house as high as he may think proper.

Alto et basso. High and low. The absolute submission of all differences.

Alumni. The foster children of a college (those who have received their education at college).

Alumnus. That which is nourished, brought up. A nursling, a pupil, a scholar; foster-son.

Amalphitan Code. A collection of sea-laws of the Eleventh Century, covering maritime matters.

Amand. A penalty or fine.

Amanuensis. One who writes at the dictation of another.

Ambassador. A diplomatic agent. A person sent by one sovereign power to another, with authority to treat on affairs of state.

Ambigua responsio contra proferentum est accipienda. An ambiguous answer is to be construed against him who makes it.

Ambiguity. Uncertainty of meaning in the words of a written instrument, arising from its admitting of more than one meaning.

Ambiguitas verborum latens verificatione suppletur; nam quod ex facto oritur ambiguum verificatione facti tollitur. A latent ambiguity may be explained by evidence, since an ambiguity arising from an extrinsic fact may be removed by evidence as to that fact. Broom's Maxims, 617.

Ambiguum placitum interpretari debet contra proferentum. An ambiguous pleading ought to be interpreted against him who offers it. A maxim of pleading.

Ambiguity, latent. Where the instrument itself is, upon the face of it, intelligible enough, but a doubt arises as to the subject matter to which it applies.

Digitized by Google

Ambiguity, patent. One which appears to be ambiguous upon the face of the deed or instrument itself, and renders it obscure and unintelligible.

Ambulatoria voluntas. A movable or changeable will. As long as a man lives he has the power to alter his will or testament.

Ambulatoria est voluntas defuncti usque ad vitæ supremum exitum. A will of a decedent is ambulatory up to the last moment of his life.

Amend. To make better; to improve.

Amendment. The correction of an error in any part of the record of a case. An improvement or addition.

Amerce. To punish or fine at the discretion of the court.

Amercement. Same as **Amerciament.** A punishment by the purse; a monetary fine assessed by a court upon its own officers for some neglect of duty.

Amerciament. A punishment by the purse. The pecuniary punishment imposed upon an offender against law. Amerciaments differ from fines; fines are fixed by statute; amerciaments are arbitrarily imposed. No court can fine but a court of record, other courts can only amerce.

Ami. A friend. Thus, **prochein ami**, a next friend, etc.

Amicable. Friendly, agreed.

Amicus curiæ. A friend to the Court. One who, without interest in a cause, gives information to the presiding judge.

Amittere legem terræ. To lose the law of the land; to be deprived of the liberty of swearing in any court; to lose the capacity of being juryman, or being sworn as a witness in a cause; to be no longer "**othesworthe.**"

Amnesty. An act of pardon or oblivion. An amnesty is more general than a pardon, it extinguishes the offense as to all participators.

Amortization. Extinguishing a debt through a sinking fund.

Amotion. Removal. Dispossession of lands. The wrongful taking of personal chattels. The removal of an officer or member of a corporation.

Amount. To arise to. The aggregate; the sum total. Above. Amount in controversy is the sum sued for in the complaint.

Analogia. Analogy.

Analogous. A likeness in effects, when the things are otherwise entirely different. Corresponding or resembling in certain respects.

Analogy. An argument or guide in forming legal judgments, and very commonly a ground for such judgments. Reasoning in which from certain resemblances others are inferred.

Ancestor. One who has gone before in a family. One from whom an estate is inherited.

Ancient. Old; of long existence or standing.

Ancient demesne. A tenure by which all the manors in the days of Edward the Confessor and

Digitized by Google

William the Conqueror were held.

Ancient writings. Deeds and other documents more than thirty years old, which do not require preliminary proof if coming from the person who naturally might possess them.

Ancillary administration. Subordinate to another administration. An administration granted of the assets of deceased in a jurisdiction other than that in which deceased was domiciled at time of death.

Andromania. Morbid or excessive sexual desire in females. It is also often associated with, or becomes a form of, insanity. Also termed hysteromania, nymphomania, and furor uterinus.

Anglice. English. A word one time used in pleading as introduction to the English translation of matter described in Latin.

Animal. Any living creature which can move at will, other than human.

Animals, domestic. Tame animals used for work and those which contribute to man's needs, as cows, sheep, etc.

Animals of a base nature. Such as are not fit for food.

Animus. Mind, purpose, will or intention. Thus:

Animus et factus. Intention and act.

Animus furandi. The intention to steal.

Animus hominis est anima scripti. The purpose of the man is the soul of the writing; i. e., the intention is the life of the thing.

Animus revertendi. The intention of returning.

Animo revocandi. With intention of revoking. Used in reference to the destruction or mutilation of wills.

Animo testandi. With intention of making a will.

Annales. Yearlings; cattle of the first year. Annuals. The Year Books.

Annex. To attach; to unite to at the end; to add; to join. To connect with permanently.

Annexation. The union of one thing to another; the fastening of chattels to the freeholds, or letting them into it; which gives them the quality of fixtures.

Anni et tempora. Years and terms. An old title of the Year Books.

Anni nobiles. Noble years. The age at which a girl becomes by law fit for marriage; at common law, the age of twelve.

Anni nubiles. Marriageable years; the age of twelve in the female, and fourteen in the male.

Anno Regni. In the year of the reign.

Anno Reipublicæ Conditæ. In the year of the foundation of the Republic.

Annotation. A written comment. A note. In Civil law, annotatio. The designation of a place of deportation. Summoning an absentee.

Digitized by Google

Annual income. That which is received annually from any property or investment.

Annually. Yearly. At the end of each year during a certain period.

Annuitant. One who is entitled to an annuity.

Annuity. A yearly payment of a certain sum of money, granted to another for life, for years, or in fee, and chargeable on the person of the grantor.

Annuity, life. An annuity payable during the life of the beneficiary.

Annuity table. A table based upon statistics and used by insurance companies, etc., showing the probable longevity of a person at any particular age.

Annus deliberandi. A year of deliberation. In Scotch law, the year allowed by law to the heir to deliberate whether he will enter and represent his ancestor. Now shortened to six months.

Annus et dies. A year and a day.

Annus luctus. A year of mourning. In Roman law, the year following a husband's death, during which his widow was required to remain unmarried.

Anon. Abbreviation of anonymous.

Anonymous. Wanting a name; nameless. Applied to a case reported where the names of the parties are not given.

Answer. To make reply to a charge; to make a statement in writing in defense of a complaint, declaration, bill, libel, etc.

Ante. Before, in front, forward.

Ante exhibitionem billæ. Before the exhibition of the bill. Before the commencement of the suit.

Ante litem contestatem. Before the suit be contested.

Ante litem motam. Before litigation commenced.

Ante juramentum. An oath to prosecute, anciently required of one who accused another of crime.

Antea. Formerly.

Ante-date. Before date. Applied to the dating of documents before the day of their execution, such as bills, notes, cheques, etc.

Ante-nuptial. Before marriage.

Antichresis. A contrary use. In Civil law a mortgage in which the debtor transfers the thing or estate to the creditor, who is entitled to retain the use and profits in lieu of interest; the one receiving the property giving the grantor a **counter-letter.**

Antimony. An apparent or real conflict between two propositions or authorities. An opposition, contradiction or inconsistency of laws.

Anti-trust law. Act of Congress, July 2, 1890, entitled "To protect trade and commerce against unlawful restraints and monopolies."

Apex. The extreme end of a thing; the point; the summit.

Apex juris. A fine point, or legal subtlety. The summit of the

Digitized by Google

law. A stricter application of the rules of law even than required by simple justice. A subtlety of law.

Apices juris. Subtleties or extreme points of law, etc.

Apices juris non sunt jura. Subtleties of the law are not always rights; i. e. they will not be allowed to delay justice. A legal maxim.

Apices litigandi. Subtletics of litigation; sharp technical points or captious objections in pleading or practice.

Apostasy. The renunciation of religious belief already professed.

Apostate capiendo. An ancient writ for the apprehension of one who, having entered a religious order, abandoned the same, and was acting contrary to the rules of the order.

Apostate. A deserter from the faith; one who renounces the Christian faith. One who has forsaken the faith, principles, party or sect to which he before adhered.

Apparent danger. Such conduct or actions on the part of another as would lead a person to believe his life was in danger and makes killing an apparent necessity in self defense.

Apparent heir. One whose right of inheritance is indefeasible, provided he outlive the ancestor.

Appeal. 1. In old English law the accusation by a private subject against another of some crime. 2. The removal of a cause from an inferior to a superior court. An appeal calls for a rehearing of the cause, removing the cause entirely, fact and law, to review, while a writ of error removes simply the points of law for review. An appeal is of Civil-law origin while writs of error are of Common law origin.

Appeal bond. A bond given to pay the costs and judgment below, if the appeal be not prosecuted with success.

Appear. To come before a court, either in person or by an attorney.

Appearance. To respond to the process of a court. Coming into court as party to a cause.

Appellant. He who takes an appeal.

Appellate. Relating to appeals and the review of proceedings of other tribunals. Appellate jurisdiction refers to all reviews of causes from inferior courts, whether on appeal or writs of error.

Appellee. The party against whom an appeal is made; the party answering to or opposing an appeal.

Appendant. A thing of inheritance belonging to another thing of inheritance more worthy. Annexed to anything and going with it. Like appurtenant, except that rights appendant to land cannot be created by grant but only by prescription.

Appendant and appurtenant. Things which by grant or prescription have belonged, appertained, and

Digitized by Google

are joined to another principal thing, by which they pass and go as accessory to the same principal thing, as lands advowsons, commons, piscaries, ways, courts, and divers such like, to a manor, house, office or such others.

Apply. To ask or request; to beseech a court or superior.

Applicable. Capable of being applied. Suitable. Relevant.

Appoint. To nominate or constitute; to designate; to decide upon; to fix, establish, or ordain. To provide with necessary equipments. To use the appointing power.

Appointee. One in whose favor a power of appointment is executed. One selected for some particular purpose.

Appointment. The act of appointing. The state of being appointed, or that which is appointed.

Apportion. To divide, assign, or distribute proportionately.

Apportionment. The dividing of a thing, other than land, into parts. A distribution according to a certain proportion. A distribution of a common fund or entire subject-matter among all those who have a title to a portion of it. Equitable allotment. The arrangement on the basis of population.

Appraisal. A valuation of property by one who is authorized; the act of appraising.

Appraise. To value; to fix the worth of; to estimate or set a price upon by authority of law.

Appraisement. Same as Appraisal.

Appraiser. One authorized to appraise or set a value on articles of property.

Apprehend. To grasp mentally or physically; to seize; to arrest: to believe; to conceive; to fear; to dread.

Apprentice. A person, usually a minor, bound by indenture to a tradesman or artificer, to be taught in his trade.

Appropriare et includere cummuniam. To approve, or separate and enclose a common; to discommon it.

Appropriate. To set apart; to annex; to take for one's self; to take as one's own. Fit, proper, suitable; adapted to the purpose.

Appropriation. Reserving for a particular purpose. The application of a sum paid by a debtor to a creditor to the payment of a particular debt. Annexing perpetually a benefice to a religious corporation of which the latter is the patron.

Approve. To augment to the utmost; to declare in favor of; to accuse; to improve.

Approvement. Improvement; the profit of lands; lands newly improved; the making of an enclosure by a lord, of part of a waste, leaving some common with outlet to commoners.

Appurtenances. Things belonging, appertaining or appurtenant to

Digitized by Google

another thing deemed a principal, the two being treated as one subject-matter.

Apud acta. Among the Acts; i. e., a part of the proceedings.

Appurtenant. Belonging to; accessory or incident to. The term devotes annexed or belonging to, but as an incident rather than a necessity.

Apta viro. Marriageable; fit for a husband; a woman of an age to be married.

Aqua. Water.

Aqua cedit solo. Water passes with the land. Thus a grant of land gives title to the water upon it.

Aquæ cursus. Water course; a running stream of water; a body of running water; a natural stream, including rivers and rivulets.

Aquæ currit, et debet currerre, et curere solebat. Water runs, and should run, as it generally runs; i. e., should be allowed to flow in its natural channel.

Aquæ immittenæ. Of water to be cast or thrown. In the Civil law, a servitude which occurs where the owner of a house so surrounded with other buildings that it has no outlet for its water, has to cast water from his roof, or out of his windows, on his neighbor's roof, court or land. At the Common law it was known as an easement of drip (servitus stillicidii).

Arbiter. A judge; umpire of the contest; an arbitrator.

Arbitrament and award. A plea that the matter has been referred to arbitration, and a decision given.

Arbitration. Examination and determination by arbitrators of a matter in dispute between two or more persons. A non-judicial mode of determining controversies.

Arbitration, International. The submission to arbitration by nations of matters in dispute between them.

Arbor Civilis. A civil tree. A figure or table, in the shape of a tree, showing the degree of relationship between persons and the course of descent from one to another.

Arbor consanguinitatis. A tree of consanguinity. A tree-shaped table, showing the genealogy and descent of a family. The Romans called it arbor juris, the tree of right.

Arbor dum crescit; lignum dum crescere nescit. While growing it is a tree, wood when it ceases to grow. A maxim governing the distinction between real and personal property.

Arca chirographica Judeorum. The charter chest of the Jews. This was a common chest with three locks and keys, kept by certain Christians and Jews, wherein by order of Richard I., all the contracts, mortgages and obligations belonging to the Jews were kept, to prevent fraud.

Digitized by Google

Arcanum imperii. The secret of the empire; the secret of the state.

Archaionomia. The chief or principal laws. The title of a collection of Saxon laws made by Mr. Lambard in the time of Queen Elizabeth, in the Saxon language, and to which additions were made by Doctor Wilkins.

Arch-deacon. Originally one having superintendence over all the parochial clergy in a deanery. His jurisdiction is but such as conferred by the bishop whose substitute he is.

Archives. The rolls. Any place where records, charters, and evidences belonging to the Government are kept.

Argentum. Silver plate; silver bullion or uncoined silver; money paid by weight; money paid by tale, or counted; goods generally.

Arguendo. In asserting, proving, arguing; in the course of argument. Frequently abbreviated Arg.

Argumentum a simili valet in lege. An argument based on a similar case is of weight in law.

Argument. An address, or the reasoning used to sustain a proposition.

Argumentative. A matter of argument. Indirect, inferential. Said of a plea, the important part of which is stated by implication only.

Argumentum ad judicium. An argument to the judgment; an appeal made to proofs drawn from any of the foundations of knowledge.

Argumentum ad verecundiam. An argument or appeal to the modesty; an appeal to the decency of an opponent or person to whom is made an address.

Argumentum baculinum. The argument of the staff; an appeal to force; club law.

Aristo-democracy. A form of government where the power is divided between the great men of the nation and the people. A form of government composed of nobles and commonalty.

Aristocracy. A form of government in which the supreme power is vested in a council composed of select members, or nobles, or in a privileged order, without a monarch and exclusively of the people. The nobility or chief persons in a state. A privileged class of the persons or political party in the state.

Arma. A sword; armor; implements of war; arms; both of offense and defense.

Arma in armatos sumere jura sinent. The law permits arming against the armed; i. e., to repel force with force.

Arma libera. Free arms. A sword and lance given a servant with his freedom.

Arma moluta. Weapons that cut, as distinguished from those that break or bruise.

Digitized by Google

Arma reversata. Reversed arms; one of the punishments inflicted upon knights convicted of treason or felony.

Armed. Provided with weapons. Applied to a ship, provided with cannon and ammunition for the same.

Arms. Weapons of offense and defense. The Constitutional provision giving the right to keep and bear arms, means such weapons as are used for the purposes of war, and does not include weapons not used in civilized warfare; small pistols, for example. Fife v. State, 31 Ark. 455.

Arms, coat of. The insignia or ensigns of honor anciently stamped on a knight's coat of mail; now used on carriages, stationery, etc. A badge painted on a shield to distinguish armed knights; they were not hereditary until Richard I.

Army. The organized military forces of a nation.

Arpent. According to Domesday 100 perches. In U. S., particularly Louisiana, Arkansas and Missouri, an area of land containing 37,056¼ square feet. If square, 192 ft. 6 in. by 192 ft. 6 in. An arpen is about six-sevenths of an English acre.

Arpentator. A measurer or surveyor of land.

Arraign. To call a person to answer in law. To call one to the bar of a court to answer the matter charged against him in an indictment. Also applied to the old criminal proceedings by appeal.

Arraignment. The act of arraigning. The arraignment of a prisoner consists of three parts: Calling him to the bar of the Court, and ascertaining that he is the party indicted; reading the indictment to him; demanding whether he is guilty or not guilty, and entering his pleas.

Arrangement. Setting in order.

Arras. In Spanish law, the gift of property by a husband to a wife on account of marriage.

Array. To set in order. The whole body of jurors summoned to attend court. The list of jurymen, arranged in the panel.

Arrearages. Money not paid when due. The remainder due on account.

Arrears. Same as Arrearages.

Arrest. Restraint of one's person by a lawful warrant; to take a person into legal custody. An arrest is made by taking, seizing or detaining the person by putting hands upon him in the execution of the process or warrant, or by any act indicating the intention to arrest. U. S. v. Benner, Baldw. 234, 239.

Arrest, double. Holding a defendant twice to bail for the same cause, only allowed under special circumstances.

Arrest, false. Depriving a person of liberty without lawful cause; false imprisonment.

Arrest, malicious. One made without probable cause.

Digitized by Google

Arrest of judgment. The staying of the judgment upon motion in a cause after verdict for error apparent on the record.

Arrest of inquest. The staying of an inquest. A plea to stay an inquest.

Arrestandis bonis ne dissipentur. A writ for arresting or attaching goods lest they shall be dissipated, or squandered.

Arrestando ipsum qui pecuniam recepit. A writ for the arresting of one who, having received prest money or bounty, does not enlist.

Arrestari et imprisonari. To be arrested and imprisoned.

Arrestment. Arrest. In Scotch law, a process of attachment or garnishment.

Arrestum jurisdictionis fundandæ causa. An arrestment for the sake of establishing or founding jurisdiction.

Arrive. To reach a place of destination by going toward it. To reach the point in a harbor to which a ship is destined.

Arrondissement. One of the subdivisions of a French department.

Arsæ et pensatæ. Burnt and weighed; applied to money tested by fire and weighed.

Arsenal. A public place for the manufacture or storage of arms and military stores.

Arson. The malicious and felonious burning of the house or out-house of another. The Common law regarding arson is modified somewhat by state statutes defining the offense.

Arsure en le main. Burning in the hand. Burning with a hot iron on the brawn of the left thumb; a punishment formerly inflicted upon lay offenders who were allowed the benefit of clergy, to distinguish their persons and prevent them claiming the privilege a second time.

Art and part. Applied to one who is the deviser and perpetrator of a crime. An aider and abettor as well as accessory before the fact.

Articles. A system of rules. The specification of matters agreed upon or established by authority. A statute with subject matters under distinct heads. An instrument in writing setting forth matters agreed upon between parties thereto.

Articles of Agreement. An instrument in writing containing the terms of an agreement.

Articles of Association. Articles of agreement signed by parties to a proposed joint stock company or corporation as a basis for the granting of a charter.

Articles of Confederation. The articles which united the thirteen colonies, afterwards called the thirteen original States. They were reported July 12, 1776, ratified July 9, 1778, by eight States and by the last State March 1, 1781. They gave way to the Constitution March 4, 1789.

Articles of Faith. A statement of the faith of the Church of England, formed by Cranmer, and

Digitized by Google

revised by the convocation of 1562; it consisted of thirty-nine points of doctrine.

Articles of Impeachment. The formal statement of the charges against a public officer. The indictment or accusation found by the House of Representatives in the U. S., or Commons in England, against an official for violation of law, or malfeasance in office.

Articles of Partnership. Articles setting forth the formal terms of the co-partnership agreement between partners.

Articles of Union. The twenty-five articles agreed to by England and Scotland in 1707 for the union of the two kingdoms.

Articles of War. Rules and regulation for the Army and Navy of the United States.

Articuli Magnæ Chartæ. Articles of Magna Charta. The original articles or heads of agreement (consisting of forty-nine heads), at the Congress of Runymede or Runingmede, upon which the charter of King John was founded. The document was entitled Articuli Magnæ Carti Liberatatum sub sigillo Regis Johannis—articles of the Great Charter of Liberty under the seal of King John.

Artificial Person. A company or corporation to which the law has given a distinct legal entity. Individuals are called natural persons, while corporations are styled artificial persons.

Articuli super chartas. Articles upon the charters. A statute passing 28 Edw. I. st. 3, c. 19, confirming or enlarging many particulars of Magna Charta, and the Charta de Foresta.

Artium Magister. A Master of Arts. The highest college or university degree in arts. Abbreviated A.M.

Artium Baccalaureus. Bachelor of Arts. Abbreviated A.B.

As usuarius. A pound lent upon usury, or interest.

Asaver. To wit; to say; to be understood.

Ascend. To pass in an ascending line.

Ascendants. Ancestors in a direct line.

Ascending line. The line of ancestry which ascends through ancestors, as father, grandfather, great-grandfather and so on.

Asportation. The carrying away of goods; an essential in crime of larceny.

Asportavit. He carried away.

Assassin. One who commits murder for pay. A member of an Oriental band of harhish, or Indian hemp eaters, who committed murder for hire. It originated in Persia in 1190, immigrated to Syria, was headed by the Old Man of the Mountain, was prominent during the Crusades and was suppressed in 1272 by the Sultan Bibars of Egypt.

Assault. To attempt to hurt another by striking at him. Assault is an attempt or offer, with force and violence, to do a cor-

Digitized by Google

poral hurt to another; as by striking at him with or without a weapon. But no words, whatsoever, be they ever so provoking, can amount to an assault.—**Jacob; Wharton.**

Assault, aggravated. An assault with an intention to commit another crime.

Assay. The examination of weights and measures. To learn the elements of which an article is composed. Now used largely in reference to the process of determining the purity of the precious metals.

Assembly. A number of persons gathered together for some specific purpose. A congregation; a convocation; a convention.

Assembly, popular. A meeting of the people or their direct representatives.

Assembly, unlawful. The meeting of three or more persons to do an unlawful act.

Assemblyman. A member of a State legislature, in some of the United States.

Assent. Consent; agreement and approval; declared willingness.

Assent, express. One expressly given in words.

Assent, implied. That implied from facts.

Assent, mutual. An assent by both parties. The agreement of two minds to a contract.

Assess. To tax; to rate; to determine the proportion each is to pay of a tax.

Assessment. An estimate or proceeding by which a sum required for public or other purposes is determined. The sum itself. A special or local imposition upon property in the immediate vicinity of an improvement for the public welfare, to pay for such improvement, as a sewer or pavement, and is usually laid with reference to the special benefit conferred upon the property by the improvement.

Assets. Property which can be used to satisfy debts. The opposite of liabilities.

Assets, equitable. Those which creditors can reach only through a court of equity.

Assets, legal. Those in the hands of the executor or administrator, which may be reached in an action at law.

Assets, personal. Personal property.

Assets, real. Land in the hands of an heir chargeable with the payment of the debts of the ancestor.

Assign. To transfer. To make over to another. The appropriate word to designate a transfer of personal property. To point out, as assign error.

Assignee. One to whom an assignment is made. One appointed by the act of a party to perform an act or enjoy a benefit.

Assignee in law. One created by operation of law.

Digitized by Google

Assignment. A grant of personal property, realty, or a chose in action. The written evidence of such grant. The transfering of an interest from one to another.

Assignment of dower. Setting out dower to the widow of a husband according to the law.

Assignment, voluntary. One made voluntarily without compulsion of any kind.

Asignatus utitur jure Auctoris. An assignee acquires the rights of the assignor. That is, the rights of the assignee are the same as grantor, and of same quality and quantity. A legal maxim.

Assigns. Those to whom assignments are made. Those appointed by act of a party to do an act or enjoy a benefit. A technical word in a conveyance, signifying the persons to whom the grantee may potentially convey in the future; as, "heirs and assigns" in deeds.

Assisa. An assise, a session. In old English and Scotch law, a species of jury on inquest; a certain number of men, usually twelve, summoned to try a cause, and who sat together for that purpose. A species of writ or real action. The proceedings in court upon a writ of assise. The verdict or finding of a jury in a writ of assise. A court or sittings of a court. A statute, ordinance or law. A tribute or tax or mulct. The term has been employed for so many different purposes that it has been termed **nomen equivocum.**

Assiser. A juror; an assessor; a supervisor of weights and measures.

Assistance. Help; aid. A writ issued by chancery to execute a decree for the possession of lands.

Assistance, writ of. A writ out of the exchequer authorizing a public officer to seize goods prohibited or not having paid duty. A writ issued from a Court of Equity to aid the carrying out of its judgment. A writ issued by a Colonial Court before the Revolution, authorizing officers to call assistance in searching premises for contraband.

Assistant. In the United States army, the second in rank in the staff branches, as assistant quartermaster, etc. In the English army, the third in rank. In New England colonies, a member of the Governor's Council. The chief judge of Seville, Spain.

Assisus reditus. A fixed, certain, set or standing rent. Called rent of assise.

Assize. Same as Assise. Also to fix, to regulate, to ordain, to make certain, to assess; as assizing of men for arms. In Scotch law, a jury or inquest.

Associate. One acting or connected with another in any affair.

Associate justice (or judge). One associated with another or other judges, not the chief justice.

Association. The act of being joined with another or others in interests. An organization with-

Digitized by Google

out charter; any society or body which is not incorporated. A patent sent by the king to the justices appointed to take the assise; or of oyer and terminer, to have other persons associated with them to take the assise.

Assumpsit. He undertook or promised. An express or implied promise to perform or pay something to another for consideration. The name of an action on the case, which lies for the party injured by the nonperformance of a parol contract. If the contract or promise be express, the action is called special assumpsit; if implied by law, indebitatus assumpsit or general assumpsit. The gist of the actions is the failure to perform the undertaking or fulfill the promise.

Assumpsit, implied. A promise implied by law from the facts or act of the party.

Assure. To make certain; to warrant; to indemnify; to insure.

Assurance. Insurance. An instrument used as evidence of the title to land. Warranty; certainty; indemnity.

Assured. One who is insured, or indemnified.

Assurer. An underwriter; one who insures or indemnifies others.

Aster. A man who is a resident. A contemptuous diminutive, as politicaster, an inferior politician.

Asylum. A sanctuary; a place of refuge; a place for the confinement of lunatics, or orphans.

At arm's length. Out of another's undue influence or control.

At bar. Before the court.

At law. According to law, as distinguished from equity or admiralty.

At par. At the value indicated on its face.

At sight. When presented. When seen.

Attach. To fasten to; to annex; to affix. To seize or arrest by judicial process. To take a person or goods by commandment of a writ or precept and keep for presentment in court.

Attache. Attached to; connected with. One attached to the suite of an ambassador; a person attached to a foreign legation.

Attachment. Taking a person or property already within the jurisdiction of the Court. A writ for such purpose. Attachment of the person is employed to compel the appearance of defendant or a recusant witness, or one charged with a contempt, etc.

Attachment, foreign. A process used to attach the goods of a foreign or absent debtor; is allowed because seizure of property is necessary to give jurisdiction or compel appearance, in suit of a creditor. Domestic attachments are those allowed against resident debtors on various grounds, as **fraud** and the like.

Attainder. In English criminal law, the stain, forfeiture, and

Digitized by Google

corruption of blood which followed on being condemned for certain crimes. That extinction of civil rights and capacities which takes place whenever a person who has committed treason or felony receives sentence of death for his crime. He is no longer of any credit or reputation; he cannot be a witness in any court, neither is he capable of performing the functions of a man, for, by anticipation of his punishment, he is already dead in law. The consequence of attainder are forfeiture of property and corruption of blood. In American law, attainder is scarcely known, and is expressly prohibited by Constitution U. S., Art. 1, sec. XI.

Attainder, bill of. A law pronouncing sentence of death and declaring a person attainted and his blood so corrupted that he could not inherit or transmit property. Were acts of English parliament against political offenders.

Attaint. To make impure. An English writ to inquire if a jury gave a false verdict; the action was tried by a jury of twenty-four men; and if the first verdict were found false, the twelve men of the first jury were adjudged infamous. Was abolished by statute 6 Geo. IV, ch. 50, § 60.

Attempt. To endeavor. To perform some act toward committing an offense. An act which, if consummated, would accomplish the purpose in view.

Attest. To witness. To certify to. To subscribe. A technical term signifying the witnessing of a written instrument by a formal subscription.

Attestation. Evidence. Testimony. The act of witnessing an instrument in writing at the request of the party making the same, and subscribing it as a witness.

Attestation clause. The sentence in an instrument in writing signed by the witness to its execution.

Attested copy. A copy of a document which has been verified.

Attorn. To consent to a transfer; to put in one's place; to make acknowledgment of homage or fealty to a new landlord.

Attornare. To turn; to exchange; to give one thing in place of another. To attorn; to transfer or turn over.

Attornare homagium et servitium tenetis. To attorn the homage and service of a tenant.

Attornato faciendo vel recipiendo. A writing commanding a sheriff of a county or hundred court to admit an attorney.

Attorney. One appointed by another to act for him; a lawyer. An agent. Also commonly applied to persons qualified to appear for litigants in suits at law, more technically known as attorneys-at-law.

Attorney-at-law. One who has the authority to act for another in court.

Attorney in fact. An agent for the doing of some fact specified in an instrument writing. An

Digitized by Google

attorney in fact need not be an attorney-at-law.

Attorney-General. The chief law officer of the government in the United States and in England.

Attorney, warrant of. An authority to an attorney-at-law to appear on behalf of a party to an action and allow the other side to take judgment by default.

Au besoin. In case of need. In French law, words employed in the direction of bills of exchange, pointing out certain persons who, in case of a refusal or failure of the drawee, are to be applied to, that they may honor and pay the bill; it is the nature of an acceptance supra protest.

Auceps syllabarum. A catcher of syllables. A quibbler.

Auction. A public sale to the highest bidder present.

Auctioneer. One who solicits bids at an auction. One who conducts an auction or public sale.

Auctor in rem suam. A judge, an adviser, a principal in his own affairs.

Auctoritas. In Civil law, authority. A royal charter. A diploma.

Auctoritas populi. The authority of the people. The popular will or decision.

Aucupium. Catching at, or taking advantage of, or laying stress upon trivial mistakes or oversights.

Audi alteram partem. Hear the other side. A legal maxim involving the right of every person to be heard in his own defence, akin to "due process of law."

Audience. A hearing. An interview with the ruler or chief executive of a nation.

Audire. To hear.

Audiendo et terminando. To hear and determine; same as Oyer and Terminer.

Audit. A hearing; an official examination. To examine, adjust and settle accounts.

Audita querela. The complaint having been heard. A writ to be delivered from an unjust judgment or execution by setting it aside for some injustice which could not be pleaded in bar to the action. It lay for some matter occurring after judgment, amounting to a discharge, which could not have been taken advantage of otherwise.

Auditor. One who hears. An officer appointed to examine, verify, and approve the accounts of those handling money or supplies, for the local or general government.

Augur. A particular college of priests at Rome, who pretended to foretell the future by observing the lightning, the flight or note of birds, etc.

Aujourd'huy. To-day.

Aula. A hall or court; the court of a baron or manor; a court baron. A hall or chief mansion house; the usual appendage of a manor.

Digitized by Google

Aula ecclesiæ. The nave of a church, anciently used by temporal courts.

Aula, regia or regis. The King's hall or palace. Also called Curia Regis, the King's Court. It was the Supreme Court of the kingdom, established by William the Conqueror in 1066, and was composed of the King's great officers of State, resident in his palace, and usually attendant on his person. Eventually the Aula Regis was dissolved, and its jurisdiction and authority resolved into several courts, as King's Bench, Common Bench, Exchequer, and Chancery.

Aumone. Lands given to a church in return for prayers offered for repose of the donor's soul.

Aures. Cutting off the ears. A punishment inflicted by the Saxons for theft.

Aurum reginæ. The Queen's gold; a revenue going to the queen consort.

Aussi. Also; in this manner.

Australian ballot. A term applied in U. S. to a ballot or ticket used in the election of different officials, which is in some features similar to that used in Australia. The system is different in different States, but the underlying principle is to enable one to vote secretly and to have no ballots used except those printed by authority of law.

Auter or autre. Another, other.

Auter action pendant. Another action pending. A plea in abatement stating that a prior suit has been begun for the same cause.

Auter droit. In the right of another.

Auter vie. The life of another.

Auterfoits acquit. A former acquittal of the same charge. Same as Autrefois acquit q. v.

Auterfoits convict. A former conviction of the same offence.

Authentication. A certificate by the proper officer of a thing done, or, of the authority in one to do a thing.

Authorities. Those who have the execution of public law. Principles, decision of judges, and statements of law writers, cited to sustain a legal proposition.

Authority. A power to do an act whether original or delegated; legal power; force; rule; influence. A rule, principle, interpretation or act cited to maintain a proposition; a precedent, or warrant.

Authority by law. Authority created by statute or operation of law.

Authority coupled with an interest. An authority for which the agent has given consideration, or which is given as partial security, and to which special rules apply.

Authority, delegation of. The giving or conferring of authority from one to another.

Authority, executive. Authority to execute or enforce the law.

Digitized by Google

Authority, express. That given in express terms.

Authority, general. Authority to perform all acts of a certain character.

Authority, implied. That implied from the facts or acts of the principal, or the nature of the undertaking.

Authority, judicial. The authority of a judge or court.

Authority, legislative. Power of a legislature; law-making power.

Authority, limited. That confined or restricted to certain prescribed limits.

Authority, special. Authority to do a particular act only.

Authority, unlimited. An authority where the agent is allowed to use his own discretion, without restrictions.

Authorize. To give power to; to justify.

Auto de fe. Act of faith. The judicial announcement, with its execution, of the sentence of the inquisition, and the ceremonies attending the announcement.

Autocracy. An independent or self-derived power. A government where the power of the monarch is supreme, unlimited, uncontrolled by law.

Autopsy. The examination of a dead body to discover the cause of death.

Autre. Other, another.

Autre vie. Another's life.

Autrefois. At another time; formerly, before, heretofore.

Autrefois acquit. Formerly acquitted. A plea so called, by a criminal to an indictment, that he has been formerly acquitted on an indictment for the same offence. It is a bar to a second indictment for the same offence.

Autrefois attaint. Formerly attainted. A plea of former attainder in bar to an indictment.

Autrefois convict. Formerly convicted. A plea by a criminal, in bar to an indictment, that he was formerly convicted of the same identical crime. It is a bar to a subsequent indictment for the offence.

Auxiliary. One who, or that which aids.

Auxilium ad filium primogenitum militem faciendum, vel ad filiam primogenitam maritandam. Aid to make the eldest son a knight, or to marry the eldest daughter. An ancient writ which was addressed to the sheriff to levy compulsorily an aid toward the knighting of a son and the marrying of a daughter of the tenants in capite of the crown.

Auxilium regis. The aid, assistance of the King; the King's aid. Money levied for the royal use and the public service, as taxes granted by Parliament.

Aval. In French law, undertaking; guaranty; surety for payment. The guaranty or suretyship—avalage—of a bill of exchange; so called because usually placed at the foot or bottom—a val—of the bill.

Avec. With.

Digitized by Google

Aventura. A mischance or accident by which the death of a man is suddenly occasioned without felony.

Aver. To state; to plead; to verify; to declare distinctly and formally, as in a pleading.

Aver et tener. To have and to hold.

Averment. An offer to justify an exception pleaded in abatement. The ending part of a plea in confession and avoidance. The statement of a fact.

Averment, affirmative. A positive allegation that a fact is true.

Averment, negative. An allegation of some fact in negative form.

Averments, general. Averments made in general terms.

Averments, unnecessary. Allegations outside of and unnecessary to a determination of the issue.

Avocat. Advocate. An advocate.

Avocation. One's business or calling.

Avoidance. A making void; nullifying; an evading or escaping; the state of being vacant. A benefice void of an incumbent.

Avoidance, matter of. New matter alleged to avoid the legal effect of admitting the facts pleaded by an opponent.

Avoir. To possess. Property, estate, wealth, money, substance, means, ability, effects, goods, chattels; having those or either of them.

Avow. To declare openly, to justify an act.

Avowry. A pleading in an action of replevin, by which the defendant avows, that is, acknowledges and justifies the taking where he took it in his own right, and sets forth the reason for so doing; as that he took property by distress for arrears of rent.

Avulsion. Lands separated by flood from the estate of one person and added to another, as by the sudden change in the course of a river.

Avunculus. An uncle by the mother's side.

Avus. A grandfather.

Award. The judgment or decision made and given by referees, or an arbitrator, or arbitrators, or an umpire, or other extra-judicial body, respecting any matter in dispute submitted to him or them. To adjudge entitled to. To give; to grant.

B.

B. The second letter of the alphabet. As an abbreviation this letter denotes Bene, Bonus, Bona, Bachelor, Bail, Bankruptcy, Baron, Bench, Bill, Bond, Book. In Colonial times, a person convicted of burglary was branded on the cheek with B. in indelible ink.

B. C. Bail court; bankruptcy cases. Before Christ.

Digitized by Google

Bachelor. A simple knight, and not Knight of the Bath. Anciently applied to an admiral if under the degree of baron. A man who has never been married. One upon whom a college or university has conferred the first degree.

Back. To indorse on the back of a legal paper.

Backing. Indorsement.

Backing a warrant. Where a justice of the peace indorses a warrant issued in another county, thus enabling it to be served in the county he belongs in.

Backside. The rear; a yard in the rear of a house.

Baculo et annulo. With staff and ring. The insignia of a Roman Catholic bishop.

Bad. The technical word for unsoundness in pleading. When applied to a person, means one who violates moral or municipal law habitually.

Bad faith. Unlawful intention. Intent to defraud or to deceive. Taking advantage of a trust or confidence.

Badge. A mark of identification. A device worn by an officer as an emblem of authority.

Badge of fraud. An act or circumstance which causes a transaction to be suspected as fraudulent.

Baggage. That which a passenger carries for personal use. As to what is, is a question of law to be determined by the facts in each particular case. Usually limited to articles for use and convenience on the journey.

Bail. Delivery, custody, guardianship. Delivery of land; livery. The setting at liberty of one arrested or imprisoned on surety taken for his appearance when wanted. A bond given that a person will be produced when wanted. In Canadian law, a lease. Also those who become sureties.

Bail, absolute. Bail given to pay a specified sum if another, entrusted with money, fails to account for the same at the proper time.

Bail, civil. Bail given in civil actions.

Bail, common (or **straw bail**). Where the sureties are fictitious and used only for entering an appearance. As distinguished from special bail, or real persons who undertake responsibility for defendant's appearance.

Bail, excessive. Bail unreasonably large in amount.

Bail, fixing. Making the liability of a special bail absolute by judgment or some other procedure.

Bail in error. Bail given to stay an execution until an alleged error can be passed upon.

Bail, justifying. Ascertaining the sufficiency of bail.

Bail, special. Where the sureties giving bail are bona fide responsible.

Bail-bond. The instrument in writing executed by a surety.

Digitized by Google

Bailee. A person who receives a thing in trust upon a contract that the trust will be executed; the one to whom a bailment is made.

Bailiff. An officer of the hundred, of liberties, of manors, of husbandry, etc. A keeper; a steward; a subordinate magistrate. A sheriff's officer or deputy. A tipstaff.

Bailiwick. That over which a bailiff exercises certain powers. The jurisdiction of a bailiff or sheriff. A liberty exempted from a sheriff's jurisdiction; a county.

Bailment. A delivery of goods or chattels by one to another upon an agreement that the latter shall do some act to or with them, and then return or account for them.

Bailment, gratuitous. The receiving and undertaking to do some act with respect to an article, without reward.

Balance. The excess of one account over the other. That which remains after a part has been disposed of; the residue.

Balance, net. Balance after deductions of charges.

Ballot. To vote. To express one's will by a ticket or ball embodying or indicating the same. The ticket or ball so used. The aggregate of votes cast. The act of voting.

Ballot box. A box in which ballots are placed when voting.

Ban or bann. A proclamation, or public notice. An edict. A curse or denunciation. As bans of matrimony, public notice of intended marriage of persons.

Banc. A seat or bench of judgment.

Banc, sittings in. The sittings of a superior court in full, as distinguished from the sittings of the judges at nisi prius or on circuit.

Banco regis. The King's Bench. The name of one of the English Courts, which was formerly the highest English tribunal after Parliament.

Bancus. A bench or seat in the King's hall or palace. A bench. A table. A stall. A counter on which goods are offered for sale. A seat of judgment or tribunal for the administration of justice; the ancient and original name of the Court of Common Pleas, or Communis Bancus (Common Bench).

Bancus regis. The King's Bench; supposed to be always held before the King himself. Hence the term, in Banco Regis, in the King's Bench. Abbreviated B. R.

Bancus superior. The upper bench. During the Protectorate the King's Bench was so called.

Bandit. An outlaw; a man under the ban of the law.

Banishment. A civil death inflicted on an offender, compelling him to leave the country.

Bank. A bench; the bench of justice. An official meeting of all the judges of a common law court is called "sitting in bank" (or banc). The expression is

Digitized by Google

used of a court sitting to determine questions of law, as distinguished from nisi prius sittings to determine questions of fact. A place where money is deposited. To deposit money in bank. A corporation engaged in the banking business.

Bank account. The fund one has in bank. The statement of the fund as to amounts deposited and drawn out.

Bank check. An order to a bank to pay on demand from the funds of the drawer on deposit, a specified sum of money to either the bearer or a person mentioned.

Bank credits. Accommodations allowed by a bank to one who deposits security.

Bank, national. A bank organized by authority of and in accordance with the Federal banking laws of the United States.

Bank, savings. A bank established to receive and safe keep small deposits of money.

Bank, state. A bank established by virtue of State laws.

Bank bill. A promissory note payable to bearer on demand, issued by a bank and intended to circulate as money.

Banking. The business of receiving, lending, issuing or dealing in money and discounting commercial paper.

Bankrupt. Originally, one who attempted to defraud his creditors. Now, defined by statute, but the term is generally applied to one without sufficient means to meet his pecuniary obligations. Also one who has filed, or against whom has been filed a petition in bankruptcy, or who has been adjudged a bankrupt.

Bankrupt, involuntary. One against whom a petition in bankruptcy has been filed without his consent, by his creditors.

Bankrupt, voluntary. One who voluntarily files a petition in bankruptcy.

Bankruptcy. The condition of a bankrupt. That division of law by virtue of which a debtor's assets are divided among his creditors and he is thereafter discharged of all existing indebtedness.

Bankruptcy, act of. An act to establish a uniform system of bankruptcy in the U. S., the act of July 1st, 1898.

Banneret. A title of dignity in England between a baron and a knight.

Bannire. For a judge to cite one to appear in court.

Banns. The announcement in church of an intended marriage.

Bannus. An edict, statute, or public ordinance; a ban. In old European law, a fine or penalty. A tribute. Banishment or exile. Proscription; confiscation. An anathema or curse. A proclamation or publication as the proclamation of marriage contract in a church. A field or territory; the limit or precinct of a town.

Digitized by Google

Bans of matrimony. A public announcement of a contemplated marriage.

Bar. Any obstacle which obstructs, hinders or defends; a barrier. The railing that encloses the place which counsel occupy in courts of justice. The place in court where prisoners are stationed. A plea sufficient to destroy the plaintiff's action. Members of the legal profession.

Bar, plea in. A final plea which bars or defeats an action. A plea which alleges ground for barring an action.

Bar to a common intendment. An ordinary plea or defense, generally to the declaration.

Bar, trial at. Trial before a quorum of judges of a superior court.

Baratarius. A barrator; one who encourages barratry.

Baratria. The crime committed by a judge who is induced by a bribe to pronounce a judgment.

Bargain. An agreement of one party to buy and another to sell real or personal property. A mutual agreement.

Bargain and sale. At early English law the contract for the conveyance of land without actual transfer. A contract for the sale and conveyance of land. The delivery of personalty followed by actual sale. The transfer of the property in a thing from the seller to the buyer, for a valuable consideration.

Bark. The letter of a statute or instrument in writing as distinguished from its meaning. Equivalent to the "brusk" or outside of a theory as distinguished from its meritorious parts.

Baron. The lowest rank of nobility in England, next below a viscount. The governor of a province or seignory. A freeholder who held directly of the King. A husband. A freeman. A judge of the Court of Exchequer.

Baron and feme. Man and wife. Same as **baron et feme.**

Baron et feme. Man and woman; husband and wife.

Baronet. A dignity originally created in 1611, descendible to male issue, and taking precedence of all knights.

Barons of the Exchequer. The six judges of the English Exchequer.

Barony. The honor and territory which gives title to a baron. An old name for a manor.

Barratria. Barratry; fraud, deceit, criminal fault, embezzlement, etc. In the Italian law, barratria has the sense of fraud or deceit committed in contracts and sales.

Barratrous. Having the quality or character of barratry; fraudulent.

Barratry. An act by the master or sailor of a ship which is grossly negligent, fraudulent, or criminal, which benefits the actor to the injury and without

Digitized by Google

the consent of the owner. Every species of fraud, knavery, or criminal conduct in the master or marines of a ship by which the owners or freighters are injured. In Scotch law, the crime of a judge who receives a bribe to pronounce a judgment. Fraud, deceit, criminal fault, embezzlement. 2. The offence of frequently or habitually exciting or stirring up suits at law and quarrels, same as Barretry.

Barrenness. A condition which prevents conception.

Barretry. The offence of disturbing the peace by the maintenance and bringing of numerous suits at law.

Barrister. An English term for a pleader at the bar; a counsellor learned in the law and admitted to plead for others in a court. Is the same as counsellor in the United States.

Barter. To exchange one commodity for another. Same as a sale, except that the price is given in goods instead of money.

Bas or base. Low; base; inferior.

Bas chevaliers. Inferior knights by tenure of military fee. Bachelors.

Bas court. Any inferior court not of record, as a court baron.

Base animals. Those which cannot be used for food.

Base estate. An estate held by a base service, as at the will of the feudal lord, or to render inferior service.

Base fee. A tenure at the will of the lord. One descendible to heirs of the holder, but terminable on an uncertain event; one whose continuance is contingent.

Base services. The lowest menial labor.

Base tenant. One bound to perform base or inferior services.

Base tenure. A tenure by base services, as villenage or customary services.

Basileus. King, Emperor. The title given to the Emperor Justinian in some of his novels. A title given to the King of England, in charters before the conquest, in imitation of that assumed by the Emperors of the East and West.

Basilica. A compilation of Roman and Greek law, supposed to have been made during the latter part of the ninth and beginning of tenth centuries. An abridgment of the Corpus Juris Civilis of Justinian, which was the basis of the law throughout the Eastern Roman Empire until the fall of Constantinople in 1453.

Bassa justitia. Low justice. In feudal law, the right of a feudal lord to try persons accused of petty offences or trespasses.

Bastard. One born out of wedlock. Under old English law and in the U. S., unless changed by statute, the marriage of its parents did not legitimize, but under Canon and Civil law it did.

Bastard, adulterous. One produced by persons one or both of whom

Digitized by Google

are married to another when the child was conceived.

Bastard eigne. Bastard elder; an older bastard son. The child of two unmarried persons who afterward intermarry and have another and legitimate son, who is known in law as filius mulieratus or mulier puisny, the first or bastard son being the bastard eigne.

Bastard, special. One made legitimate by the subsequent marriage of its parents.

Bastardy. Begetting an illegitimate child. The condition of being a bastard. The plea or objection of illegitimacy.

Bastardy bond. A bond given by the father of a bastard to pay a fixed sum periodically for the support of the child for a specified length of time, to prevent his becoming a public charge.

Bastardy, incestuous. The issue begotten by those not married but related within the prohibited degrees of marriage.

Battel. A trial by combat; the last three occurred in England in 1571, 1631 and 1638, respectively. Abolished 59 Geo. III. 46. See Battel, Wager of. The battel in trials of writ of right was by champions lest the suit be abated by the death of one of the litigants.

Battel, wager of. A practice which prevailed in the courts of chivalry of trial by personal combat. In some cases the parties might fight by champions. If the appellee were vanquished he was hanged; if he killed the appellant or fought a certain length of time, he was acquitted. If the appellant cried craven, the appellee recovered damages, but the appellant lost his liberam legem and became infamous.

Battery. The unlawful beating of another; the least touching of another's person, willfully or in anger constitutes battery. Every battery, a fortiori, includes an assault, but may not include a battery.

Bawd. A procurer.

Bawdy-house. A house of ill-fame. A house in which two or more women reside and engage in unlawful sexual intercourse for money; a brothel.

Beach. Land along the coast, washed by the sea or waves.

Bearer. Used to indicate the person to whom a bill or note is payable when no payer is named; one of the words used to denote the negotiability of commercial paper.

Bearing date. Having date. Being dated.

Beast. A four-footed animal used for labor, food or sport.

Beau-pleader. Fair pleadings; apt or correct pleading; or the fair or favorable hearing of a plea or suit. Lord Coke considers it a fine imposed for the privilege of pleading fairly, by way of amendment, after a former vicious plea. A writ prohibiting a fine for inapt pleading, given by statute of Marl. 52, Hy. III., cii.

Digitized by Google

Bed. 1. The right to sexual intercourse, as bed and board. 2. The part of the land under a lake, river or bay, which is rarely exposed, but usually covered with water.

Before the Court. Within the jurisdiction and control of a court for consideration.

Before trial. After the institution of a suit, but before the issue is placed before the court or jury for determination.

Beggar. One who lives by soliciting alms.

Begging. Soliciting the gift of money or articles.

Begin, right to. The right of the party upon whom the burden of proof rests to introduce his evidence first, and to open and close the argument; the right of one who affirms.

Begins to run. When a cause of action first arises, or is subject to the operation of law; the time from which the statute of limitations is computed.

Begotten. Procreated.

Behavior. Personal conduct or demeanor. Conduct.

Behavior, disorderly. Behavior in violation of law or the proceedings of a court or legally constituted body.

Behoof. Use; benefit; advantage.

Belief. Conviction drawn from facts known, but where the believer knows that other facts might exist which would change his opinion if known. Persuasion of the truth of a proposition without immediate personal knowledge.

Belligerency. The state of a nation or people, who are at war with another.

Belligerent. One who is at war with another. A citizen of a nation at war with another.

Bello. To carry on war; to war; to make war.

Bello parta cedunt reipublicæ. Things acquired by war go to the state.

Bellum. War; an armed contest between nations.

Bench. The dais or elevated seat of the judges in court, hence—a tribunal of justice; a seat of judgment; the court; the body of judges, as distinguished from the bar.

Bench, King's. Formerly the highest court of Common law in England.

Bench, Queen's. Formerly the highest court of Common law in England during the reign of a Queen.

Bench warrant. A warrant issued by a judge or court for the arrest of a person.

Beneficial. Benefiting; tending to benefit; comporting; assisting; useful.

Benedicta est expositio quando res redimitur a destructione. The interpretation is best when the subject matter is rescued from destruction.

Digitized by Google

Beneficial enjoyment. The enjoyment one has in an estate for his own benefit and not for another.

Beneficial interest. Interest in an estate which arises from other than ownership.

Beneficiary. One who derives a benefit from anything. He who is in possession of a benefice. A cestui que trust.

Beneficium. A privilege, a favor, right; any particular privilege. Originally an estate held for life, only given to military men. An estate received from a superior.

Beneficium cedendarum actionem. The benefit of making over actions. In the Civil law, the privilege by which a surety could, before paying the creditor, compel him to make over to him the right of action.

Beneficium clericale. The clerical privilege; the privilege of clergy. (Abolished by Stat. 7 and 8, Geo. IV., c. 28). Same as benefit of clergy.

Beneficium inventarii. In Roman law, the privilege of an heir to have the testator's property inventoried before he took possession that he might know whether the assets exceeded the liabilities or not.

Beneficium separationis. In Roman law, the right granted a creditor to have the property of a testator separated from that of an insolvent heir.

Benefit. Profit. Advantage.

Benefit of clergy. The ancient exemption from capital punishment of those who were clergymen; afterwards extended to all those who could read. Abolished by Stat. 7 and 8, Geo. IV., c. 28.

Benigne faciendæ sunt interpretationes chartarum, propter simplicitatem laicorum, ut res magis valeat quam pereat; et verba intentioni, non e contra, debent inservire. The interpretation of written instruments is to be liberal, on account of the errors of the laity, so that the subject matter may have effect and not become void; and the language should be subject to the intentions and not the contrary. An ancient legal maxim applicable to construction.

Bequest. A gift of personalty by testament. It is an inchoate property until the executor delivers possession.

Bequest, executory. The bequest of a contingent, or future interest in personal property.

Bequest, residuary. The bequest of all of the remainder of a testator's property after debts, legacies, etc., have been paid.

Bequest, specific. A bequest of property of a particular kind.

Berghmote or Berghmoth. Anciently an assembly or court on a hill to decide controversies among miners of Derbyshire, England.

Bering Sea dispute. The dispute between the U. S. and England which arose, originally, through the objections of the U. S. to the killing by Canadians in Bering Sea, of female seals during pregnancy or while caring

Digitized by Google

for their young. The question was submitted to a board of arbitration which made an award in Paris in 1893.

Best. That which excels all others. That which is most beneficial or advantageous under the circumstances.

Best evidence. This term as applied to the rule requiring best evidence, means the highest or most direct evidence which the fact admits of must be adduced. The highest grade of evidence.

Bestiality. Carnal intercourse with lower animals. See Buggery.

Bet. A wager.

Betrothment. An agreement between a man and a woman to marry at a future time.

Better. Legally or equitably superior.

Betterment. An improvement which substantially increases the value of land. The increased value of land through public improvements.

Betting. Wagering; an agreement between two or more persons that a sum of money, to which each has contributed, shall become the property of one or more on the happening of an event.

Beverage. A liquor drunk for pleasure, as distinguished from one drunk for health.

Beyond sea. Out of the kingdom of Great Britain and Ireland. In United States it means out of the State, or out of the United States. Means beyond the jurisdiction, and while it continues the statute of limitations do not run.

Bi. Two; twice.

Bid. To make an offer on something offered for sale. The offer itself. The amount for which a contractor proposes to do certain work.

Bid off. To bid successfully at an auction.

Bidding, by. Fraudulent bidding of a puffer at an auction to cause bona fide bidders to offer a higher price.

Bilbrief. In maritime law, a written statement furnished an owner by a ship builder of a vessel's measurement and dimensions. In Danish law, a contract of bottomry.

Biennially. Once in every two years.

Bigamy. Originally meant being twice married. Now, marrying a second time while the first marriage is still in force.

Bigot. A name at one time applied to Rollo and the Normans. An intolerant adherent to a creed, system, or opinion.

Bi-lateral. Two sided. A contract in which both contracting parties are bound by reciprocal obligations.

Bilge. The flat part of a ship's bottom. To stave in the bilge of a ship so it leaks.

Bill. A formal declaration or complaint in writing; a proposed indictment placed before a grand jury for its action. A proposed

Digitized by Google

law. A common engagement for money. A single bond without condition. A written statement of an indebtedness.

Bill, creditor's. A bill to enforce a debt or judgment out of property not subject in law to execution. A bill to set aside a fraudulent conveyance, and subject the property to the payment of a debt or judgment.

Bill, cross. One filed by the defendant against the plaintiff or by another against both parties in relation to the subject-matter of the original bill. A bill of exchange or promissory note given in consideration of another bill or note.

Bill for a new trial. A bill in equity to enjoin a judgment at law and praying for a new trial.

Bill for foreclosure. A bill in equity filed by a mortgagee for the sale of the mortgaged property and satisfaction of the debt, interest and costs.

Bill, foreign. A bill of exchange drawn or payable in a foreign country.

Bill in Chancery or Bill in Equity. A statement of the facts in proper form, addressed to the Chancellor of a Court of Chancery, which are the ground for requesting the relief prayed for.

Bill in the nature of a bill of review. A bill in equity filed by one not a party to a proceeding to have the same re-examined and the decree reversed.

Bill in the nature of a bill of revivor. A bill in equity filed to revive a suit where a bill of revivor is insufficient to supply the defect or remedy the abatement.

Bill in the nature of a supplemental bill. A bill introducing new parties and new interests in a cause already commenced. It is distinguished from a supplemental bill, as in the latter, the parties or the interests are the same as those of the original bill.

Bill of adventure. A writing made by a shipper of goods or common carrier showing that the shipment is the venture of another person and that the shipper or carrier is not responsible for anything but delivery as consigned.

Bill of certiorari. A bill in equity to remove a cause to a superior court.

Bill of costs. An account rendered of the costs taxed against the parties to a suit.

Bill of credit. A writing requesting one to give credit to the bearer on the guarantee of payment by the writer. A document issued by a State, and designed to circulate as money, promising to pay a certain sum. United States Constitution prohibits bills of credit being issued by a State.

Bill of discovery. A petition in equity praying for an order requiring a party to disclose certain facts within his knowledge.

Bill of divorce. A petition praying for a divorce.

Digitized by Google

Bill of exceptions. A statement in writing of the exceptions to the rulings of the court.

Bill of exchange. A written order from one person to another for the payment of money to a third person. A form of negotiable instrument.

Bill of exchange, domestic. A bill drawn on a person living in the same State or country with the drawer.

Bill of indictment. A formal written accusation presented by a grand jury in court.

Bill of information. A bill in equity filed on behalf of the State to obtain that due it or damages.

Bill of interpleader. A petition in equity by the holder of a fund to hear those claiming it, to litigate the right or title between themselves so as to relieve him from the liability of their claims.

Bill of lading. A receipt or written acknowledgment by a carrier of the delivery of goods for transportation.

Bill of Middlesex. A process by which the Court of King's Bench sitting in Middlesex, obtained jurisdiction of a person without obtaining an original writ. The method was to allege a fictitious trespass in the county of which the court always had jurisdiction, and further state the real cause of action. On return that the defendant was not in the county a latitat was issued to the sheriff of the county where he was. This also alleged the fictitious trespass and the real cause of action.

Bill of parcels. An invoice or statement of the articles composing a parcel or package of goods; usually sent to the purchaser with the articles.

Bill of particulars. A written exhibit or statement of items constituting a demand for which suit is brought, or facts upon which the indictment or charge is founded.

Bill of peace. The name of a petition in equity filed by a person to consolidate a number of threatened actions in order to prevent multiplicity of suits concerning the same matter.

Bill of review. A bill to review a judgment in chancery, when there is error or some new evidence.

Bill of sale. An instrument in writing by which the transfer of title to personal property is declared and established. An instrument writing in the nature of a mortgage for the transfer of title to personal property, as security for a debt.

Bill, original. A bill stating a ground for relief never before in litigation between the same parties.

Bill payable. A bill of exchange, promissory note, or other written agreement to pay money.

Bill, private. A legislative bill for the benefit of a private individual as distinguished from one for the public welfare.

Digitized by Google

Bill, public. A legislative bill for the benefit of a public at large as distinguished from a private bill.

Bill quia timet. Bill because he fears. A bill to prevent apprehended injury to property, by restraining it before committed.

Bill rendered. The written statement of a claim for money owed. A previous statement of account.

Bill, supplemental. A bill filed to supply some omission or defect in the original bill which could not be cured by amendment.

Bill to perpetuate testimony. A bill to obtain the testimony of persons whose testimony may be required regarding a matter not yet in litigation but which may be in litigation.

Bill to quiet title and possession. Same as bill to remove cloud upon title.

Bill to remove cloud upon title. A bill brought to settle and confirm a title which is really good, so that the possessor cannot be annoyed in the future by another person who holds evidences or deeds, but has not brought action.

Bill to take testimony. A bill filed for permission to take the testimony of a witness aged or infirm or liable to die or leave the country. Same as perpetuating testimony.

Bill to take testimony de bene esse. Same as bill to take testimony.

Billa cossetur. Let the bill be quashed. A form of judgment for defendant at common law.

Bill, true, or billa vera. The indorsement made on a bill of indictment by a grand jury, when they found it sufficiently sustained by evidence.

Billet de change. A billet or letter of exchange. In French law, the billet de change is given when the party with whom the contract is made is not at present prepared to give the bill of exchange agreed on, and merely gives a billet, by which he engages hereafter to furnish one.

Billet wood. Firewood; fixed by statute 43 Elizabeth, at three feet four inches long and seven inches in compass; under this size was forfeited to the poor.

Billingsgate. 1. A fishmarket in England. 2. Abusive and vulgar epithets.

Bills, inland. Domestic bills of exchange.

Bind. To put under a definite legal tie or obligation, as by a bond or covenant.

Binding. Making obligatory.

Binding out. Obligating one to perform certain labor for a certain time; apprenticing.

Binding over. Obligating one to keeping the peace or appear as a witness.

Bi-partite. In two parts; divided in two. An indenture where there were two parties, and two parts of the deed, one going to each of the contracting parties.

Digitized by Google

Tri-partite, of three parts, and quadripartite, of four parts, are also used.

Bis. Twice; in two days; in a two-fold manner.

Bissixtile or bisextilis annus. Leap Year. The bissextile year has one more day than the other years and happens every fourth year; it was ordained by the statute de Anno Bissextili, 21 Hen., III., that the day increasing in the Leap Year, and the day next before, should be accounted but one day. Under modern usage a twenty-ninth day is added to the month of February.

Bishop. Chief of the clergy in his diocese.

Bishopric. The diocese of a bishop.

Black acre and white acre. Terms anciently applied to pieces of land to distinguish them.

Black Act. The Statute of Geo. I., cap. 22, against persons committing crimes with blackened faces.

Black Book. One of several books so named because of the black binding. A record of commissions under Henry VIII., detailing alleged practices in monasteries.

Black Book of the Admiralty. An ancient repository of Admiralty law, containing the laws of Oleron with many ordinances and commentaries.

Black Book of the Exchequer. A book in the Exchequer of England, containing ancient charters, conventions, etc.

Blackleg. A professional swindler, especially by the use of games of chance.

Blackmail. A certain rent in money, consisting of corn or base money. A tribute formerly paid the border chiefs by those living in the northern counties of England, to secure protection from the border thieves and moss troopers. In modern usage it signifies a contribution to prevent the carrying out of a threat of injury. To obtain money by threats. Hush money. Extortion.

Black Maria. The wagon in which prisoners are carried between a court and a jail.

Black rod. Chief usher to the King and custodian of all peers when first committed for crime.

Blacks. Negroes; persons of African descent.

Blackstone, Sir William. The author of the compilation of English common and statute law, known as Blackstone's Commentaries. They were first delivered as lectures at Oxford College, England, and published in 1765-69.

Blada a solo separata. Grain separated from the soil; grain after it has been harvested.

Blada crescentia. Corn or grain growing.

Blade. Fruit, corn, hemp, flax, herbs, etc.

Digitized by Google

Blanc or **Blancus.** White, blank, smooth.

Blanc seign. A blank paper signed and delivered to one to fill in at discretion.

Bland-Allison Act. An act of congress dated Feb. 28, 1878, directing the Secretary of the Treasury to purchase not less than two nor more than four million dollars worth of silver bullion per month and coin the same into standard silver dollars of 412½ grains each.

Blank. A space in a document left free from writing or print that it may be filled with appropriate words or marks when required. Also the document with such unfilled spaces.

Blank acceptance. An acceptance written before the bill is made.

Blank-bar. A plea in bar in trespass obliging plaintiff to assign the certain place where trespass was committed.

Blank indorsement, or indorsement in blank. A bill on which an indorsement is made without naming an indorsee, and which is then payable to holder or bearer, who may add his name as indorsee.

Blasphemy. Denying what is deemed to be due the God of the Christian religion. It was an offence at common law. Blasphemy consisted in wantonly reproaching God or religion, or denying the existence of God or the birth and divinity of Jesus Christ, or in profane scoffing at the Holy Scriptures.

Blended fund. The proceeds from the sale of both real and personal property. Usually applied to the estate of deceased person.

Blockade. The cutting off of communication or commerce from a port by force. A war measure, defined by the usages of International Law.

Blockade, paper. One proclaimed but not made effective by adequate naval force.

Blockade, public. That established by proclamation and enforced in fact.

Blockade, simple. That established by a naval officer without the direction of his government.

Blood. Kin; of the same stock; having a common ancestor. Includes the half-blood. Brothers and sisters are of the whole-blood when they have the same father and mother; and are of the half-blood when they have only one parent in common.

Blood money. Money anciently paid by a man slayer as compensation to the next of kin of the person slain; the amount varying with the rank of the killed.

Blue laws. Drastic or severe laws based upon religious or moral ideas, and affecting the conduct of the individual in the home and matters of everyday occurrence.

Board. A table. That which is given on a table as food. A body of persons charged with

Digitized by Google

some duty, as a board of directors.

Board of Trade. In England, a committee on commerce, selected from the privy council. In U. S. an association of merchants for the promotion of business interests.

Boc. A writing; a book; a charter. Land bocs, or other evidences of title corresponding to modern deeds.

Bockland. A possession or inheritance held by evidence in writing. Lands held by charter in allodium descendible to all the sons and called gavelkind and devisable only by will and termed **terræ testamentales.**

Body. A human being. The principal part of a thing. An artificial organization. A number taken collectively.

Body corporate. An artificial person, as a corporation.

Body politic. A State. A municipal or public corporation having governing powers.

Body-snatching. Taking a human body from a grave without legal authority.

Bon. Good; sufficient in law.

Bona. Goods; personal chattels; movable property; also chattels real as well as personal at the Civil law.

Bona et catalla. Goods and chattels; personal or movable prop erty.

Bona notabilia. Goods of noticeable value.

Bona fide. Good faith; without fraud or deceit.

Bona fide emptor. A purchaser in good faith; a bona fide purchaser.

Bona fide possessor. A possessor in good faith.

Bona fide præscriptio. A prescription in good faith.

Bona fide purchaser. A purchaser in good faith.

Bona fides. Good faith; the opposite of **mala fides** and **dolus malus.**

Bona fides non patitur ut bis idem exigatur. Good faith does not allow satisfaction for the same thing to be taken twice.

Bona gestura. Good behavior; good-abearing.

Bona gratia. By or through kind favor; with good grace; by mutual good will or consent. Applied in the Civil law, to a species of divorce where the parties separated by mutual consent.

Bona memoria. Good memory.

Bond. To secure by bond. To place goods in a bonded warehouse. To encumber with a debt. A deed in which the obliger agrees to pay a certain sum at a day appointed. In a servile state; captive. An interest-bearing certificate. In Scotch law, a bondman.

Bond and mortgage. A bond for the payment of money and a mortgage of realty as security for the performance of the bond.

Bond, bail. An instrument under seal by which a defendant and

Digitized by Google

usually two sureties are bound to pay a sum to the sheriff if the defendant does not appear and answer to the action in which he has been arrested and held.

Bond, convertible. A bond of a stock company convertible into stock at the option of the holder.

Bond, cost. A bond conditioned that the party or his bondsman will pay all costs which may be taxed against the former in a particular action.

Bond, counter. A bond given against another bond, as where a bond is given to protect one seizing goods and the holder of the goods gives a bond to hold them pending a determination of the ownership.

Bond, delivery. A bond that goods or their value will be delivered up at a certain time, or upon certain conditions.

Bond, dormant. One on which no payment has been made for twenty years.

Bond, income. A bond payable from net earnings or a percentage of such earnings. A bond which pledges the income of a corporation for the payment of certain obligations.

Bond, joint and several. A bond in which the obligors bind themselves jointly and severally.

Bond, general mortgage. A bond secured by a mortgage upon the whole of the corporate property, even though parts of the property are already mortgaged.

Bond, official. One given by a public officer that he will faithfully discharge the duties of his office.

Bond, public. One issued by a government either National, State, or a political division thereof, for public purposes.

Bond, refunding. A bond stipulating that money paid for any purpose will be repaid if it subsequently appear that the payment should not have been paid.

Bond, registered. A bond for the payment of money registered in the owner's name.

Bond, replevin. A bond given by a claimant of property delivered to him under writ of replevin, that he will return the property if he does not show that its detention by the defendant was unlawful.

Bond, straw. A bond in which the obligors are not responsible for the payment if forfeited, or in which the sureties are fictitious.

Bondsman. The person who is bound to insure the performance of some act by another. A surety.

Boni et legales homines. Good and lawful men.

Boni judicis est ampliare jurisdictionem. A good judge will enlarge his jurisdiction; that is, will seek to expand his remedial jurisdiction to new matters to attain justice.

Digitized by Google

Bonus. Good; good in law. A premium paid for a loan or the use of one's credit, or for a special favor, or for an extraordinary service, or for a grant or privilege. A premium paid to a grantor or vendor. An extra dividend out of profits of a stock company. A sum of money paid to an agent in addition to the agreed compensation.

Bonus judex secundum æquum et bonum judicat, et equitatem stricto juri præfert. A just judge decides according to justice and fairness, and prefers equity to strict law. But this maxim will not override settled rules of law.

Book-account. An account kept in a book regularly used for that purpose.

Book, account. A book in which business transactions are entered by a merchant or trader.

Book of original entries. The book containing the first entries of facts relating to any contract or article bought, sold, or exchanged.

Book-land. Free socage land. Tenemental land held by deed under certain rents and free services.

Boom. An enclosure in a stream made to hold floating logs.

Boot or bote. A Saxon word, equivalent to estovers. Compensation; recompense.

Booty. The spoil of war, captured on land. Goods taken by robbery.

Born. Brought into being. Issued from a woman's womb.

Borough. A place of safety; a town or village having a wall or enclosure. A town that sends burgesses to Parliament; a corporate town. A part of a township with a municipal charter.

Borough English. A custom prevailing in certain boroughs in England that the land shall descend to the youngest son or youngest brother instead of to the eldest. This custom existed in the reign of Henry II. (1154-1189).

Borrow. To obtain under a contract to return.

Bottomry. The lending of money to the owner of a ship and taking a mortgage on the ship as security.

Bottomry bond. The instrument writing containing the provisions of a bottomry contract.

Bought and sold note. The memoranda of a sale given by a broker to both the buyer and seller of merchandise; the bought note is given to the seller, and the sold note to the buyer. This is stated conversely by some authorities.

Boundary. The line between two estates or territories.

Boundary line. A dividing line or mark. In shipbuilding the line where the hull meets the stem, keel and stern post.

Boundary, natural. A natural object on the boundary line, as a river.

Digitized by Google

Bounds, metes and. Boundaries, or lines marking the limits of an estate in lands. See Metes and Bounds.

Bounty. An inducement or gratuity, either money, property, or some right offered for the performance of some act. Anything given or offered to a man to enlist in the military or naval service. Compensation paid to or a benefit conferred upon a person or class of persons.

Bourse. An exchange or meeting place for merchants.

Boycott. To combine in refusing to deal or associate with a person or company. Abstaining from association or dealings with a person, for the purpose of coercion or intimidation.

Boycott, secondary. An organized attempt to injure by refusing to deal with or buy the products of a company or person who sells to or buys from a person or company that is being boycotted.

Boycotting. Refusing to have business relations with a person or corporation until a request is complied with. The attempt by organized forces to compel or coerce their demands by intimidating methods, including refusal to deal with the person or company. Used chiefly by labor organizations in the United States to secure their demands.

Brace de la mer. An arm of the sea. A portion of the sea where the tide flows and reflows.

Branch. A separate part of a class of persons descended from a common ancestor. A stream tributary to another.

Brand. To stamp. To impress with a red-hot iron. To mark. The mark thus impressed.

Branding. Placing a brand on a person or thing. A punishment for certain offences after being allowed benefit of clergy so the person could not obtain the exemption a second time.

Brawl. A noisy quarrel or tumult; a noisy disturbance of the public peace.

Brawling. In England, the offence of quarreling or creating a disturbance in a churchyard.

Breach. Breaking. Violation of a duty or obligation. The part of a declaration which charges breach of contract.

Breach of contract. Neglect or failure to perform its conditions whether by commission or omission.

Breach of prison. An escape of one lawfully confined in prison or under arrest for a crime.

Breach of privilege. A violation of the rules and rights of either house of Parliament, of Congress, or of a State legislature.

Breach of promise. The breaking or violation of an agreement or undertaking. Used especially with reference to failure to perform or carry out a promise to marry.

Breach of trust. Deviation from the provisions of a trust. Ap-

Digitized by Google

propriating a thing entrusted to a wrong purpose.

Break bulk or Breaking bulk. To commence unloading a cargo. The act of a carrier or bailee who opens a package or parcel of anything and uses it. Opening and using part of a shipment or lot of articles, so as to thereby manifest an intention to keep them.

Break doors. To open doors by force.

Break jail. To escape when legally confined. The escape of a prisoner out of the place of custody.

Break seals. To remove or break the seals placed on articles by authority of law.

Breaking and entering, actual. The removal of any part or fastening of a house by force and entering therein.

Breaking and entering, constructive. The obtaining of an entrance into a house by fraud, threats, or conspiracy, with intent to commit felony.

Breast of the court. Discretion of the court.

Brethren. Brothers. Members of an association. When applied to an individual family includes sisters.

Breve. Short; a writ; an original writ by which all actions in the Superior Courts of England were formerly commenced; no one was permitted to sue without a writ. Any writ of the King under seal, whereby he commanded anything to be done for the furtherance of justice. A commission to a judge or justice of a Superior Court in the form of a breve. In Roman law, **brevia** were in the form of letters.

Breve ad quod damnum. A writ as to what damage. A writ commanding the sheriff to inquire by the oaths of jurors as to the damage, etc., before the crown will grant certain liberties, for changing of ancient highways, etc. In American law, in certain cases, to inquire, etc., where lands and tenements are appropriated for public use.

Brevet. A commission advancing—a military officer to a higher rank, without increase of pay.

Bribe. Anything of value asked, given, promised or accepted with a corrupt intent, or to induce one to violate his duty while acting in a public capacity.

Bribery. Any attempt to influence a public officer in his official conduct by the offer of a reward or pecuniary compensation.

Bridewell. A house of correction.

Bridle road. A narrow street for pedestrians and those on horseback, and not for general use by wagons or carriages.

Brief. A writ. A papal rescript sealed with wax. An abridged statement of a person's case. A citation of the authorities relied upon to maintain a legal proposition. A legal argument.

Brief of title. An abridged and orderly statement of the deeds,

Digitized by Google

mortgages, and all matters affecting title to a piece of real property. A chain of title. An abstract of title.

Brigand. A lawless fellow, a robber, freebooter.

Britton. A work on English law, founded on Bracton and Fleta, written during reign of Edw. I. The authorship is not definitely known.

Brocage. The compensation of a broker.

Broken on the wheel. A species of torture by which the victim was placed upon a wheel and his bones broken by being struck with an iron bar.

Broker. An agent empowered to buy or sell property without having the responsibility of its custody or delivery. A person employed to make contracts for others.

Broker, discount. One who discounts notes and bills, and lends money on securities.

Brokerage. The occupation of a broker. The compensation of a broker.

Brothel. The common habitation of prostitutes.

Brother. A male person, the child of the same parents or parent with another person.

Brother of the half blood. One who is a child of either the same father or mother, with another, that is, only one parent is common to both.

Brother of the whole blood. One who has the same mother and father with another.

Brotherhood. Those of the same occupation or profession. A society.

Brothers, consanguine. Two who descend from different mothers but have the same father.

Brothers, germane. Brothers having the same father and mother.

Brothers, uterine. Two who descend from the same mother but have different fathers.

Browbeat. To intimidate by look or action.

Bruise. A contusion. An injury without breaking the skin.

Bubble Act. An English Act of Parliament passed in 1720 to prevent fraudulent speculations. It was repealed in 1825.

Bucket shop. The common designation of a place where people gamble in futures after the form and on the prices quoted by the large stock exchanges. A gambling place where options or futures are bought and sold.

Budget. The annual statement of the English Chancellor of the Exchequer which contains the estimates of the receipts and expenditures of the government. The total estimate of the cost of the local or general government for a definite period.

Buggery. Carnal copulation by a man or woman with a beast, or a man with a man, or with woman unnaturally. Carnal copulation against nature.

Digitized by Google

Building and loan associations. Associations for accumulating money by contributions from the members and for lending the same to such members on receiving real estate as security, being designed to assist its members in building on or improving real estate.

Building lease. A lease of land for a long term of years containing an agreement by the lessee to build thereon.

Buildings, public. Those owned or used by the government.

Bulk. 1. The part of a building which projects beyond the foundation. 2. The principal part of anything. 3. The whole of a ship's hold.

Bull. 1. A brief, edict or mandate from the Pope or Bishop at Rome. 2. One who speculates in the stock exchange for a rise in the market, by buying stock which is expected to advance in price. A Bear is one who sells stock short expecting prices to fall, when he can adjust his sales on the lower value and gain the difference.

Bulldoze. To intimidate by threats, or threatening manner.

Bulletin. An official announcement of public matters. In France, the registry of laws.

Bullion. Gold or silver in mass before being coined.

Bundesrath. The Federal Council of Germany, which shares the legislative power with the Reichstag. The name of the Federal Council of Switzerland.

Bundle. For a man and woman to lie together on the same bed without undressing; once a custom of lovers and engaged couples in Wales, and parts of New England and Pennsylvania. The Pennsylvania courts have passed on this practice, in connection with suits for seduction, holding that a father cannot recover where he allows his daughter to bundle.

Bungalow. An East Indian country house.

Burden of proof. The obligation resting upon a party to a cause to establish the truth of a proposition. The party seeking to be benefited by any fact is bound to establish it, so that the burden of proof may be upon plaintiff or defendant, according to the issue.

Bureau. An office. Also a branch of an executive department, for the transaction of certain kinds of business. As:

Bureau of Engraving and Printing. A bureau of the Treasury Department of the U. S. which designs, engraves, prints and finishes all government notes, bonds, certificates, national bank notes, stamps, drafts, checks, licenses, etc.

Bureau of Equipment. A bureau of the U. S. Navy Department charged with everything relating to the equipment of vessels of the navy.

Bureau of Immigration. A bureau of the U. S. Treasury Department charged with the administration and enforcement of the

Digitized by Google

immigration and alien contract labor laws.

Bureaucracy. Government by bureaus. Undue authority by bureaus. The officials collectively in the executive departments of a government.

Burgesses. Men of trade or the free inhabitants of a walled town. Those who represent a borough in Parliament. Magistrates or chief officers of boroughs.

Burgh-mote. A court of a borough. A court held in burghs or towns three times a year, at which the earldorman or alderman presided.

Burglar. One who breaks and enters an apartment, dwelling-house, church or public building in the night time with intent to commit a felony.

Burglarious. With intention to commit burglary.

Burglariously. A technical word required by the common law to be used in an indictment for burglary.

Burglary. At common law the breaking and entering the house, room or apartment of another, or a public building, or a church, in the night, with intent to commit felony. Statutes have enlarged the meaning of the word.

Burgomaster. The chief executive of a German city, town or borough.

Burking. Murder for the purpose of selling the bodies for dissection.

Burning in the hand. The old practice of burning on the thumb those given benefit of clergy.

Burying alive. The ancient English punishment of those who made contracts with Jews; also of those found guilty of sodomy.

Business. Avocation; calling. Includes everything about which a person can be employed.

Business hours. The hours during which the community usually transacts business.

Business, in course. In accordance with business methods or usages.

Business, place of. The place where one usually transacts his business.

Business usages. The customs usually observed in business circles or transactions.

Butted and bounded. A phrase used in describing the end and side of circumscribing lines to a piece of land.

Buy in. To buy one's own property at public auction.

Buying title. Buying the right of a disseissee. It was not allowed by the common law, and it was made an offence in England by Stat. 36, Henry VIII.

By estimation. A term equivalent to "more or less;" meaning that the quantity is by estimate and not by actual measurement.

By God and my country. The old form of an answer of an accused to the question, "How wilt thou be tried?"

Digitized by Google

By the bye. Incidentally; without special process. At one time applied to a declaration filed in a new cause against one in custody at the suit of another plaintiff.

By-laws. Rules for the regulation of corporations or associations covering matters not reached by the general law. By-laws against public policy or statute law are void.

By-road. A used road, recognized by law, but not laid out.

Bystanders. Persons present in court.

C.

C. The third letter in the alphabet.

C. O. D. Collect on delivery.

C. P. Common pleas.

C. Q. T. Cestui que trust.

C. T. A. Cum testamento annexo; with the will attached.

Ca. Sa. Capias ad satisfaciendum, a common law writ of execution.

Cabal. A term applied to the ministry in reign of Charles II., who sought to restore the power of the Pope. The initials of their names spelled the word. They were Clifford, Ashley, Buckingham, Arlington and Lauderdale.

Cabinet. Members of the Privy Council of England. It was established in 1693. In U. S. a cabinet has no legal existence, but the term is applied to the chief officers of the branches of the executive department who are appointed to carry out the policy of the President in executing law.

Cable. To send a message by submarine cable. A rope or chain used to moor vessels. A large conductor of electricity, composed of several wires.

Cacicazgos. Land vested by Spanish-American law, in the heads of Indian villages and successors.

Caciques. Heads of Spanish-American villages.

Cadet. A student training for the army or navy.

Caduca. Civil law, an inheritance; property that descends.

Calamus legis. The pen of the law.

Calendar. 1. A list of things arranged with details of information. 2. A system of fixing the order, length and subdivisions of years and months. England and the U. S. use that of Pope Gregory XIII., Russia and Greece that of Julius Cæsar.

Calendar Amendment Act. An English statute passed in 1751 changing the first of the year from March 25, to January 1, and destroying the eleven days difference between the new and old style.

Calendar, Gregorian. The calendar established by Gregory XIII., which changed the Julian Calendar by making Oct. 5,

Digitized by Google

1582, Oct. 15, 1582, and then continued regularly after that day. Gregory also made the last year of a century 365 days' duration except one divisible by four. Gregory's system is called the New Style.

Calendar, Julian. The calendar established by Julius Cæsar. By it every three years of 365 days is followed by a year of 366 days. It is twelve days behind the Gregorian Calendar, on account of being faulty.

Calendar Mohammedan. A calendar used in countries having the Mohammedan religion. It reckons time from the Hegira, July 16, A. D. 622. The year is twelve lunar months of 29 days, 12 hours and 44 minutes.

Calendar month. A month, the length of which is fixed by the calendar as distinguished from the lunar month, or one periodical revolution of the moon; being twenty-eight days.

Calendar of causes, or court calendar. A list of the causes made by the clerks, containing the title, the form of action, the date of issue, and the names of the attorneys in each cause.

Calendar of prisoners. The names of prisoners and the judgment against each kept by a sheriff.

Calends. The first day of the Roman month. If any number be placed with it, it signifies that day in the former month, which comes so many days before the month named, thus: the first calend is the day before the first of the month mentioned, the second calend, the second day before, and so on.

Calends, Greek. Words meaning time never to come, as the Greeks had no calends.

Call. To summon. An assessment for paying of subscription of a stock company or to pay losses. A notice that bonds will be presented for payment. A contract conveying the privilege of demanding within a designated period, and agreeing to deliver on demand some article, on payment of the stipulated price. A natural object mentioned in the descriptive part of a deed. Money payable on demand is on call.

Call a docket. To announce the cases on the docket, and make inquiry of the parties as to whether they are ready for trial, argument or motion.

Call a jury. To select the names of those who are to serve, subject to challenge.

Call a party. To call a party's name in open court and request his appearance.

Call a witness. To request his appearance in open court; to present him for examination.

Call day. In English law, the day law students are called to the bar.

Call of the House. A call of the names of a legislative body to determine who of the members is present.

Calling the plaintiff. A formal nonsuiting when the plaintiff desires to abandon the case, effected by his non-appearance

Digitized by Google

at the call of the crier. Entitles the defendant to a nonsuit and judgment for costs, but does not prevent plaintiff from bringing another action for the same matter.

Calling to the bar. Admitting to the practice of law.

Calling upon a prisoner. The inquiry of a prisoner of why judgment should not be passed upon him.

Calvin's case. A case in 7 Rep. I. which decided that those born in Scotland after the accession of James I. to the crown of England were natural born English subjects.

Cameralistics. The science which treats of obtaining and expending money for public purposes.

Campio conductivus. A hired champion who took the place of another in a trial by waiver of battle.

Campus. An assembly of the people. In feudal and old English law, a field or plain. The field marked out for the duel in the trial by battle. The combat itself; camp fight.

Campus Maii. The field of May. An anniversary of the Saxons, held on May Day, when they assembled to consider the defence of the kingdom.

Campus Martii. The field of March; the national assembly of the Franks, held in the month of March.

Cancel. To satisfy. To destroy or efface, to make null by drawing lines across the face of an instrument in the manner of a lattice or cross. To strike out of existence.

Cancella or Cancellaria. Chancery; the chancery; the Court of Chancery; a court of equity.

Cancellarius. A porter; a doorkeeper. A director of chancery; the head clerk in chancery; the chancellor.

Cancellarius de Scaccario. Chancellor of the Exchequer. An officer of the British crown, who formerly sat in the exchequer with the regular judges to watch the interests of the crown.

Candlemas-day. The second day of February. Set apart by the Roman Catholics in honor of the Virgin.

Canon. 1. A rule, law or ordinance; a standard of judgment; an ecclesiastical law or rule of the church. 2. A member of a chapter, other than a dean, of a cathedral or college church. A person possessing a prebend.

Canon law. A body of ecclesiastical law, which originated in the Church of Rome, relating to matters of which it has jurisdiction. It is styled Corpus Juris Canonici.

Canons of descent. The principles governing the transmission of property from the ancestor to the heir. Rules for determining descents.

Canons of construction. Laws governing construction or interpretation.

Digitized by Google

Canons of inheritance. Same as Canons of Descent.

Canvass. To examine and count votes at an election. The act of so doing.

Capacity. Competency to give or take an estate or thing, or to sue or to be sued. Power, qualification.

Capax doli. Capable of doing wrong. Having sufficient mind or capacity to commit crime.

Capax negotii. Capable of negotiating.

Cape ad valentiam. Take to the value; take equal to the value. A writ given a voucher against the lands of a vouchee who makes a default.

Capere. To take.

Capias. You may take. A judicial writ in actions at common law, so termed from the commanding words in the writ when in Latin. The general name applied to several kinds of writs of attachment or arrest, as—

Capias ad audiendum judicium. You take to hear judgment. A writ to bring in a defendant who was found guilty of a misdemeanor, to receive his judgment.

Capias ad computandum. You take (the defendant) to make a count.

Capias ad respondendum. You take to answer. An original writ, by which sections at law were frequently commenced. Later the writ only issued after the suit has been commenced by summons, where an arrest of the defendant is required.

Capias ad satisfaciendum. You take to satisfy. A writ after judgment to take the defendant and hold him to satisfy the plaintiff's debt and damages.

Capias ad satisfaciendum, ita quod habeas corpus ejus, etc. You take (the defendant) to satisfy, so that you may have his body, etc.

Capias ad valentiam. You take to the value. A kind of grand cape allowed the defendant in a real action where the demandant recovered because the person called to warrant made default. It directed a sheriff to take land of vouchee to the value of the land recovered.

Capias exigi facias. You take to cause to be driven out, or expelled.

Capias in withernam. You take in reprisal. A writ allowed where a distress is driven out of the country, or concealed and the sheriff, upon a replevin, cannot make deliverance to the party. A taking of other cattle or goods in lieu of those that were formerly unjustly taken away.

Capias in withernam de homine. You take for a servant in reprisal.

Capias pro fine, or misericordia. You take for the fine or in mercy. A writ for taking one condemned to pay a fine to the King, and to imprison him until he paid it.

Digitized by Google

Capias simul cum. You take together with. A writ directing the sheriff to take a certain defendant together with other defendants in the action.

Capias utlagatum. You take the outlaw. A writ to take the body of one outlawed and hold him to answer.

Capias utlagatum et inquiras de bonis et catallis. You take the outlaw and inquire concerning his goods and chattels.

Capiatur pro fine. Let him be taken for the fine. A clause in a judgment in debt; directing that the party be taken until he paid a fine, being a punishment for the public misdemeanor as well as the private injury.

Capio. To take; lay hold of, seize To have a right of inheritance. To take, seize, or arrest. To take or receive judicially.

Capita. The heads. The entire body whether of men, or animals, or inanimate things.

Capita, divided per. A division where each heir inherits an equal portion whether the issue of an immediate heir or the immediate heir himself. Thus, if a man leave four sons and one of these sons die and leave two heirs and the estate of the ancestor is to be divided per capita, the two grandchildren share equally with their three uncles and do not, as in a division **per stirpes**, simply receive the share of their father.

Capita, per. By heads. In equal shares.

Capita, succession per. Where the claimants are next in degree to the ancestor, in their own right and not by right of representation.

Capital. Principal. First of importance. Offences punishable by death. Relating to death in consequence of crime. Available produce or assets. The money paid in by shareholders of a corporation. A sum of money invested. The seat of government of a State or Nation, or chief city. **Capitol** is the building at the capital in which the business of government is transacted.

Capital crime. A crime or felony punishable with death.

Capitalis. The head, chief, or principal, as applied to persons, judicial proceedings, property, etc.

Capitalis justiciarus banci or **de coram rege tenenda.** Chief justice for holding pleas before the King. The title of the chief justice of the King's bench, first assumed in the latter part of the reign of Henry III.

Capitalis justiciarus banci or **de banco.** Chief justice of the bench or in the bench. The title of the English Court of Common Pleas.

Capitalis justiciarius in itinere. The chief justice in eyre; or chief itinerant judge.

Capitalis (or summus), justiciarius totius angliæ. Chief justice of all England.

Capitalism. A so-called system of concentrating the capital or ag-

Digitized by Google

gregate products of industry in the hands of a few. The power of such a concentration.

Capitatio. A poll tax. Capitation. A tax laid on persons or individuals. A direct tax.

Capitation or **Capitation tax.** A counting of heads. The act of assessing by heads. A poll tax; a tax imposed yearly on the head or person. A direct tax.

Capite. Of, from, by the head. The name of a tenure held directly from the King.

Capite, tenure in. A tenure held directly of and created by the sovereign, and not one which the King obtained by escheat.

Capitis estimatio. The estimate of a man's value in money; a fine paid by the Saxons for murder, etc. Under Saxon law the King's value was thirty thousand thrymsæ or £500, and if killed, half the five went to the people and half to the King's relatives. An Archbishop or Earl, fifteen thousand thrymsæ or £250; a Bishop or Earlderman, eight thousand thrymsæ or £133, 6s, 8d; a Belli Emperator or Summus Præfectus (highest chief, general, or governor) four thousand thrymsæ or £66, 4s; priest or thane, two thousand thrymsæ or £33, 6s, 8d; a common person, two hundred and sixty-seven thrymsæ or £4, 9s.

Capitula. A collection of laws, regulations or ordinances arranged under different heads. Schedules. Chapters or assemblies of ecclesiastical persons.

Capitula, itineris. Schedules of the matters to be heard by the justices on the circuits.

Captio. A taking or seizure of a thing. The taking or arrest of a person. A holding of a court. A taking or receiving.

Captio rei unius in alterius satisfactionem. A taking of one thing in satisfaction of another.

Caption. 1. An arrest, taking or seizure. 2. That part of an instrument in writing which shows where, when, and by what authority it is taken, found or executed. The title or heading of a legal document, including the name of the court, and the parties plaintiff and defendant.

Captives. Prisoners of war.

Capture. A taking or seizure of the goods of an enemy; a taking of prizes in time of war, particularly at sea. The taking of a prey. An arrest or seizure.

Captus et in prisona detentus. Taken and detained in prison.

Caput feudi vel terræ. The head of the fee or land; the chief lord of a fee.

Caput lupinum. A wolf's head. An outlawed felon who could be knocked on the head like a wolf by anyone without committing any crime. In the reign of King Alfred, and until some time after the Conquest, no man could be outlawed but for felony, and then the outlawed person was said to have caput lupinum, because he might be put to death by any man, as a wolf might.

Digitized by Google

Caput, principium et finis. The head, origin and end. A term applied to the King as head of Parliament.

Cartel est notre plaisir. For such is our pleasure. Words used by a King in an ordinance.

Cardinal. A Roman Catholic Church dignitary next in rank to the Pope.

Care. Attention; vigilance; watchfulness. The different degrees of care cannot be defined except in a general way; the facts in each case where the question arises must govern.

Care, due. That which is proper and legal under the circumstances.

Care, great. More than ordinary attention and diligence.

Care, ordinary. That which a person of ordinary mind exercises over his own property.

Care, reasonable. Same as due care.

Care, slight. A small degree of care such as is exercised by persons of good sense, but careless habits.

Cargo. Merchandise carried by a vessel for transportation by water.

Caricature. An exaggerated picture or description calculated to produce ridicule or contempt.

Carlisle tables. Life and annuity tables compiled in 1780 at Carlisle, England.

Carnaliter cognovit. Carnally knew. Carnaliter cognovit, Carnalis, Carnalitas, and Carnaliter, were technical words in indictments, and once held essential to charge the defendant with the crime of rape.

Carnally knew. Had sexual connection, or at least penetration.

Carrat. A weight or burden; a weight of four grains used in weighing diamonds.

Carriage. 1. The act of a carrier in transporting merchandise or persons. 2. The vehicle of transportation.

Carrier. One whose occupation is the transportation of persons or property for hire.

Carrier, common. One who makes it a business to carry persons or merchandise from one place to another for pay. One who holds himself out to the public as ready to carry for all alike for a compensation.

Carrier, private. One who carries merchandise or persons from one place to another in a particular instance. One who though carrying for hire in a special instance, does not carry for the public generally, and does not make it his special vocation.

Carrier, special. Same as private carrier.

Carrying away. The act of removing articles. An essential element necessary to constitute larceny.

Cart bote. Wood or timber which a tenant is allowed by law to take from an estate, for the purpose of repairing carts and other instruments of husbandry.

Digitized by Google

Carta or **Charta.** A charter, deed or writing. In Spanish law, a deed; a letter; a power of attorney.

Carta de una parte. A charter or deed of one part.

Carta indentata, or **indentura.** A deed indented, or indenture. A deed executed in parts, or as many copies as there are parties, each indented like the teeth of a saw, or in a waved line, on the top or side, to correspond with the other.

Carte blanche. A white or blank sheet of paper. An authority to do any act relating to any affair. A blank sheet signed, given with authority to fill the space above.

Cartel. An agreement concerning the exchange of prisoners between two hostile States. A written challenge.

Cartel ship. A ship of truce, unarmed, used to exchange prisoners, carry messages, etc., between two hostile States.

Cas fortuit. A fortuitous event; an inevitable accident.

Case. An occurrence. A question for determination. A controversy. A state of facts. A suit. A claim put in such form that a court can act upon it. An action at law, equity, or admiralty. A statement of facts or of law for the determination of a court. 2. Case is also used as an abbreviated name for action on the case, or the special action of trespass on the case, which grew up at Common Law.

Case, action upon the. A special action of trespass upon the case, being one of the Common Law forms of actions.

Case, agreed on or case stated. A statement of facts agreed to by both parties to a cause and submitted for decision, to the court, without a trial on the facts. Is styled both case agreed on, and case stated.

Case certified. A case certified from the judges of an inferior to a superior court, for a decision of a question arising in a case, where the inferior judges cannot agree.

Case in judgment. The facts of a legal controversy, pending or decided.

Case law. Law which is established on the authority of court decisions alone. Precedents.

Case, made. A statement of facts submitted to a court as basis for a motion.

Case on appeal. A transcript of the proceedings on the trial of a case, for the use of the appellate court. A case shows the whole evidence, so that the reviewing court can review the findings of the jury, as well as those of the trial judge.

Case, reserved. A case wherein the jury find a verdict for plaintiff subject to the opinion of the court on a question of law. Same as case made.

Case, special. In English practice, a case made up by agreement of the parties without pleading. The parties agree on

Digitized by Google

the facts and state the questions of law arising thereon for the opinion of the judge.

Case system. A system of studying or teaching the science of law by means of court decisions on questions of law.

Cash. Lawful money. A cash sale of payment, means the opposite of credit. Gold dust is not cash. 1 Cal. 45.

Cash price. A price for cash as distinguished from one for credit.

Cashier. The person or officer who has charge or control of the cash.

Cassation. In French law, the act of reversing or annulling the validity of a judgment.

Cassation, court of. See Cour de Cassation. The highest court of review in France.

Cassetur breve or **billa.** That the writ or bill be quashed. The form of the judgment for the defendant on a plea in abatement, where the action was commenced by original writ.

Cast. To defeat in a suit. Thrust upon. Vest with.

Caster. A suffix added by the Romans to places or towns where castles were built, as, Lancaster.

Castigation. A correcting, chastising, punishment, correction, reproof, etc.

Castigatorium. An old English device for the punishment of female scolds. It was also called the tumbrel, tre-bucket, scolding stool, cucking stool, ducking stool, gogin stole, coke stole. It consisted of a stool fixed to the end of a long pole on which the scolding woman was seated and plunged in water.

Castle. A fortress in a town. A citadel; a stronghold. The mansion of a nobleman. More than eleven hundred castles were demolished in England during the civil war.

Castrate. To remove the testicles from a male animal.

Casu consimili. In a like case. A writ of entry given a reversioner against the alienee of a tenant in courtesy, or a tenant for life.

Casual ejector. The ostensible or nominal defendant in a common law action of ejectment.

Casu consimili. In the like case, or similar case. The name of an early English writ.

Casualis conditio. A condition depending upon chance.

Casus. A case; combination of circumstances, as

Casus fortuitus. Are unforeseen and inevitable accidents.

Casus omissus. An omitted case; a case not provided for. Applied to failure to provide in a statute, contract or regulation for cases which may arise.

Casus omissus et oblivioni datus dispositioni communis juris relinquitur. A case unprovided for by statute, and forgotten, must

Digitized by Google

be disposed of according to the common law.

Catchpole. In old English law, a sheriff's officer, assistant, or bailiff, probably so called because he caught by the poll or head the party arrested.

Catholic creditor. In Scotch law, a creditor who has security for his debt on several parts of the debtor's property.

Catholic Emancipation Act. Stat. 10 Geo. IV., c. 7, which restored Roman Catholics to civil rights except the holding of ecclesiastical and certain other offices.

Catalla. Chattels. Includes movables and immovables except fees and freeholds.

Catonia regula. In Roman law, the rule that what is void at the beginning will not become valid by time.

Cattle. Among the early Saxons, any kind of wealth; later any live stock kept for profit. Now confined to domestic bovine animals such as oxen, bulls, cows and calves. In some cases the term is held to include horses and asses as well as horned animals.

Caucus. A private meeting of persons to formulate plans, or policies, or for other political purposes.

Causa. A cause; motive, ground; reason or consideration.

Causa causans, or causata. The direct or immediate cause, as opposed to **causa causæ causantis,** meaning a proximate cause.

Causa cognita. A known cause. Upon the cause being judicially examined.

Causa exponere. To present a judicial process or cause.

Causa frigiditatis. On account of coldness, frigidity. In old English law, a cause for divorce, **a vinculo matrimonii.**

Causa impotentiæ seu frigiditatis. Because of impotency or frigidity. An ancient ground for divorce.

Causa mortis. In prospect or expectation of death; in anticipation or contemplation of death; in view of death.

Causa mortis donatio. A gift in contemplation of death; one made in **extremis.**

Causa præcontractus. On account of precontract. A ground for divorce.

Causa proxima. The proximate cause. The nearest cause.

Causa proxima, non remota, spectatur. The near or proximate, not the remote cause, is regarded. The direct cause and not the remote is regarded in law.

Causa remota. The remote cause. A cause producing an effect through another or other causes.

Causa sine qua non. A cause without which a thing cannot be or exist.

Cause. The motive, reason, inducement, consideration for making a contract or performing an act. An action or suit at law. Any civil or criminal question

Digitized by Google

contested before a court or tribunal. Reason, motive, consideration. Anything which produces an effect.

Cause, adequate. In Criminal Law, such cause as prevents an ordinary mind from reflecting before committing an act.

Cause, for. Because of some legal disability. For good and sufficient reason.

Cause of action. The ground for an action. Synonymous with right of action.

Cause, probable. Good or sufficient cause or reason. Such facts as would lead an ordinary mind to believe that further inquiry might prove guilt.

Cause, proximate. The nearest cause; the dominant cause. The result complained of.

Cause, reasonable. Probable cause. Facts that would influence an ordinary mind.

Causes Célébres. Celebrated trials, or famed and renowned cases. A book containing French decisions of importance during the seventeenth and eighteenth centuries.

Caution. To warn; a warning. Care to avoid injury. In Scotch law, security given for the performance of some obligation. The person who gives the security.

Caveat. Let him beware; let him take heed. At one time process issued by an Ecclesiastical Court, to prevent the proving of a will or the granting an administration. In old English law, a writ to prevent the granting of letters patent. A formal notice to a court, judge, or public officer, not to do a certain act. A process in the nature of an injunction, to prevent the granting of a patent for lands. A description of an incompleted patent filed in the U. S. Patent Office, which filing entitled the inventor to protection for a stated time until he can effect his patent.

Caveat actor. Let the doer beware.

Caveat emptor. Let the buyer beware. A rule or maxim in regard to sales of chattels. A purchaser of property must examine as to its title and quality before buying, otherwise he cannot complain, in the absence of fraud.

Caveat venditor. Let the seller take heed. A maxim of the Civil Law, which implies that the seller must beware lest he make himself responsible for the quality of an article he sells. This is directly contrary to the Common Law, where the seller is not bound except on giving an express warranty or practicing fraud.

Caveat viator. Let the traveller take care. A traveller, given permission to cross private land, does so at his own risk and must use reasonable care in avoiding defects in the road. It also applies to the duty of a traveller on the public highway to use due care to avoid injury.

Digitized by Google

Cede. To transfer; to pass the title to. Generally applied to the transfer of territory from one sovereignty to another.

Cedo. I grant. Used in Mexican conveyances.

Celation. Concealment of pregnancy or delivery.

Cemetery. A burying ground apart from a church.

Cens. In French and Canadian Law, a tax, tribute or payment imposed on a tenant. A quit-rent.

Censor. A Roman magistrate who had supervision of public manners and morals and the register of property for taxation. In some countries an official who examines manuscripts with power to allow or permit the same to be published. A Chinese official who sees that decrees agree with ancient precedent. A college officer similar to a dean.

Census. An official enumeration of the population of a state or country. A valuation. Collection of statistics regarding persons and their possessions. A tax or tribute; a toll. A yearly income or revenue. In Scotch law, a subsidy or tax. The census is taken in the U. S. every tenth year in accordance with constitutional provision.

Cent. In U. S. and Canada and Hawaiian Islands, a coin valued at one-hundredth part of a dollar.

Centiliter. In metric system, 0.6102 cubic inches dry or 0.338 fluid ounces liquid measure.

Centimeter. In metric system, 0.3937 inches in length.

Century. One hundred. A hundred men. A hundred years.

Centumviri. A hundred men. The judges in a Roman tribunal.

Cepi corpus. I have taken the body. The return made by a sheriff to a capias that he has taken the body of the party.

Cepit. Took, he took. The emphatic word in a writ of trespass and replevin. When the action in replevin, is for the taking only, it is said to be "in the cepit."

Cepit et abduxit. He took and led away. The teste in writs of trespass, where the writ was for living things, either persons or animals.

Cepit et asportavit. He took and carried away. The teste in writs of trespass where the writ was for dead things.

Cepit in alio loco. He took in another place. A plea in replevin where the defendant took the goods or cattle in another place than that alleged, and he desires a return of the same.

Certain. Definite. Established. Known.

Certainty. Confident belief; assurance. That which is subject to one meaning or intention. Real state; truth, fact; regularity.

Certainty, moral. Such an impression upon the mind that an allegation is true as causes one to accept it as true and act accordingly. A strong presumption drawn from facts.

Digitized by Google

Certainty to a common intent. The taking of words capable of artificial and natural sense, in their natural sense.

Certainty to a certain intent in general. That which upon a reasonable construction may be deemed certain without resorting to possible facts which do not appear.

Certainty to a certain intent in particular. The greatest technical accuracy.

Certificatio assisæ novæ disseisinæ. A certification of assise of novel disseisin. An obsolete English writ.

Certificate. An instrument in writing certifying to some fact or record, or giving assurance that a fact exists or does not exist.

Certificate from a holder of property attached. A certificate stating the amount and character of the property and the defendant's interest therein.

Certificate, gold. Certificates issued by the U. S., as currency, redeemable in gold deposited for their redemption.

Certificate into Chancery. The written opinion of a common law court on a matter arising in a chancery suit.

Certificate of assise. A writ granting a retrial before justices of assise.

Certificate of deposit. A receipt issued by a bank showing that a certain sum has been deposited, and is payable to the person named therein, or to his order.

Certificate, silver. Certificates issued by the U. S., as currency redeemable in silver deposited for their redemption.

Certificate, trial by. Where the point at issue is determined by the certificate of the only authority competent to decide.

Certified check. A check upon which the cashier or bank teller has stamped and written words which indicate that there are funds to pay the same, and they will be held to meet that particular check. It is equivalent to an acceptance on the part of the bank.

Certiorari. To be informed of; to be certified of. A writ from a superior to an inferior court directing it to certify or send up the record of a cause. A mode of appeal from the judgment of a special tribunal or a court not of record. The words in the original writ were, Quia certis de causis certiorari volumus (Since we wish to be informed concerning certain causes).

Certiorari, bill of. An original bill filed to remove a suit in an inferior court of equity to the high court of chancery, on account of irregularity or hardship in the proceedings in the inferior tribunal.

Certiorari, writ of. A common law writ to remove the record of a cause from a lower to a higher court. It effects an appeal. Same as Certiorari.

Digitized by Google

Certum est quod certum reddi potest. That is certain which may be made certain. A legal maxim applicable to construction of written instruments.

Cessavit. He has ceased. A writ to recover land where a tenant ceases to pay rent or perform service for two years, or a religious house ceases to perform spiritual services.

Cessante ratione legis, cessat ipsa lex. The reason for the law having ceased, the law itself ceases. A maxim that indicates that if there is no reason for it there should be no law.

Cessavit per biennium. He has ceased through two years, a writ, same as Cessavit.

Cession. The act of ceding; a transfer; a yielding up or giving over. The assigning by a debtor of his property to his creditors. The vacating of a benefice by accepting another not compatible. A transfer of territory from one sovereignty to another.

Cestui or **Cestuy.** Used in law—French phrases, as the following:

Cestui que trust. He in trust for whom, or for whose benefit another is enfeoffed or seized of lands or tenements, or is possessed of personal property. The beneficiary under a trust. The one entitled to the profits though not seized of the legal title.

Cestui que use. He for whose use. He who for whose benefit land is held by another.

Cestui que vie. He for whose life. He whose life is the measure of the duration of an estate, as where a grant is made to A during the life of B, here B is called the cestui que vie, and A is known as a tenant pur auter vie, for the life of another.

Cestuis que trustent. They in trust for whom.

Ch. Abbreviation of chapter, chief, chancellor.

Chaffering. Bartering one thing for another.

Chain of title. A statement in regular order of the grantors and grantees of a particular piece of land with the dates of the conveyances and other facts briefly stated relating to the title. Same as abstract of title.

Challenge. An exception to jurors when called to try a case. An invitation to a contest of any kind. Act of a sentry in demanding the countersign from those who appear at his post.

Challenge for cause. A challenge upon cause or reason alleged.

Challenge for favor. A challenge because the juror is favorably inclined toward the other side.

Challenge, general. A challenge to a juror on the ground that he is incompetent to serve in any case.

Challenge, peremptory. A challenge allowed in civil and criminal cases without alleging any cause. The number of such challenges is regulated by statute. More are allowed in criminal than in civil cases.

Digitized by Google

Challenge, principal. A challenge in a civil case alleging an exception, which, if true, is allowed by law.

Challenge to the array. A challenge to the whole jury or array in the panel.

Challenge to the poll. A challenge to a particular person in the array.

Chamber. A court. A treasury. A room in a dwelling-house used for sleeping, for an office, or for a court.

Chamber of Commerce. A society of merchants in a city, organized to promote commerce.

Chambers, at. The office or private rooms of a judge. The sitting of a judge privately to hear and determine matters not required to be done in an open court. In England the offices of barristers are called chambers.

Champartor or **Champertor.** One who is guilty of the offense of champerty. One who by previous agreement is to receive part of land, debt or anything sued for.

Champarty or **Champerty.** A bargain with the plaintiff to receive part of the land, debt or anything sued for in consideration of services performed or expense of suit being borne. It is a species of maintenance and was an offense at common law. But under modern legislation the taking cases on a percentage of the amount recovered are not considered champertous.

Champert. A share or division of land; champerty. An agreement to divide matter sued for, if the suit be successful the champertor is to carry on the party's suit at his own expense. In Scotch law, a gift or bribe taken by a judge.

Champertous. Relating to champerty. Affected by champerty.

Chance-medley. A casual meeting or affray. The accidental killing of a man in self-defense upon a sudden encounter, or sudden quarrel.

Chancellor. The presiding judge in the Court of Chancery, or Lord Chancellor. The officer of the Exchequer who held the seal of the Court of Chancery. The President of the Federal Council in Germany. In France, the keeper of the Great Seal under the Eastern Empire, a part of the holy Roman Empire. In Scotch law, the foreman of a jury. In some of the United States, the chief officer of a court of equity. The chief officer of a university.

Chancellor, Lord High. The highest judicial officer of England, supreme in the Court of Chancery, keeper of the Great Seal, privy counsellor and prolocutor of the House of Lords.

Chancellor of the Exchequer. The principal financial officer of Great Britain. Formerly one who presided over the Court of Exchequer and also sat on the equity side.

Chancellor, vice. An equity judge whose decree is reviewable by

Digitized by Google

the Chancellor. In Roman Catholic Church, the head Cardinal of the Chancery charged with the Pope's briefs and bulls.

Chancery. Equity; a court of extraordinary jurisdiction in cases of equity; in U. S. equivalent to court of equity.

Character. The natural qualities or habits of a person. Character and reputation are frequently used as synonymous, but are to be distinguished; character is what a person really is, while reputation is what he is supposed to be, or reputed to be.

Character, general. The estimation of a person in the community where he lives, and among those familiar with his conduct and habits of life. Reputation.

Character, good. Good reputation for one or more qualities. Good natural qualities.

Charge. To accuse of an offence. To instruct in the law. To impose an obligation to pay money. To enter into an account a memorandum of money due. To place one under an obligation of knowing some fact or duty. A thing done that binds him that does it. A tax. A lien. In Scotch law, a written command of the crown and the instrument containing it.

Charge and discharge. The exhibition by complainant and respondent of their accounts against each other before a master. A former method of taking an account before a master in chancery. The complainant's claim was called a charge, and that of the defendant a discharge.

Charge and specification. The allegation of guilt with a statement of the particular overt acts.

Charge, average. Charges determined by dividing the receipts by the tonnage carried, and obtaining the charge per ton per mile.

Charge, collateral. An obligation which descends with an estate and binds the heir or executor.

Charge d'affaires. A person in charge of the affairs of an embassy. The title of an inferior diplomatic representative, or minister of the fourth class.

Charge, general. The instruction of a judge to a jury upon the entire case.

Charge, special. A charge made to a jury at the request of counsel upon some particular point.

Charging part. In a bill in Chancery, the allegation intended to anticipate the answer.

Charitable uses. An expression denoting that a gift has been made to some benevolent or religious organization, or to advance some public utility.

Charta or **carta.** A deed; charter; statute.

Charta communis. A common or mutual charter or deed. A deed or charter containing mutual obligations, and to which both parties could refer to establish their respective rights.

Digitized by Google

Charta de confirmatione. A charter of confirmation.

Charta de feoffmento. A charter or deed of feoffment.

Charter libertatem regni. The charter of the nation's liberty. Applied to Magna Charta as the grantor of liberty.

Chartel. A letter of defiance or challenge to a single combat. An instrument in writing for settling the exchange of prisoners of war.

Charter. Originally this word included all sealed instruments. A grant of privilege in writing. An act of incorporation. A power to establish a branch of an organization. The lease of a vessel. The act of leasing a vessel. An exemption. To hire. To establish.

Charter member. One of the incorporators or organizers of a society or corporation.

Charter Oak. An oak tree at Hartford, Conn., in which, in November, 1687, the charter of Connecticut, granted by Charles II., of England, was hidden when James II. sent Sir Edmund Andros to seize all the liberal charters that had been granted, and resume royal control.

Charter of incorporation. The instrument evidence of the creation of a corporation.

Charter party. A lease of a vessel. A contract in writing among merchants and sea-faring men, setting forth the covenants or agreements between them regarding merchandise and maritime affairs. It states the terms as to the condition of the cargo of the ship and the freight, and binds the master to deliver the cargo in good condition at the place of consignment, dangers of the sea excepted. It need not be under seal.

Charter rolls. English records of royal charters granted from 1199 to 1516.

Chase. A large extent of open woods, less than a forest, and larger than a park, used for keeping and hunting wild animals.

Chaste. Pure in conduct. Abstaining from unlawful sexual intercourse.

Chastity. Moral purity. Refraining from unlawful sexual intercourse.

Chastity, solicitation of. Soliciting another to have unlawful sexual intercourse.

Chattel interest. An interest less than a freehold.

Chattel mortgage. A mortgage upon chattels or personal property.

Chattels. All movable or immovable goods except such as are part of the freehold. Includes, strictly, every species of property less than a freehold, but more commonly applied to movable articles, as distinguished from interests in lands, and rights in actions.

Chattels personal. Movable personal goods. Property which can be moved from place to

Digitized by Google

place, not permanently fastened to realty. The condition of the property in its present state determines whether it be a real or personal chattel. A growing tree is part of the realty, but when cut down becomes personal property.

Chattels real. Such as are annexed to or issue out of the realty.

Chaud-medley. The killing of a person in an affray in the heat of blood and while under the influence of passion.

Cheat. To defraud or swindle; one who defrauds.

Check or **cheque.** A written order on a bank to pay a specified sum to the bearer, or person mentioned on the latter's order.

Check, raised. One fraudulently increased in amount.

Chefe del an. The head or beginning of the year.

Chicane. Swindling.

Chief. Principal. Leading. One before or above others.

Chief baron. The presiding judge in the English Court of Exchequer.

Chief, declaration in. A declaration for the chief cause of action.

Chief, examination in. The first examination of a witness by the party calling him; also termed direct examination.

Chief Executive. The head executive office of a State or government.

Chief Justice. The presiding judge of an Appellate Court. The presiding justice of any Superior Court. The title given the principal or ranking judge of the Supreme Court of the U. S.

Chief Justice of England. The chief justice of the King's Court or Queen's Bench.

Chief justiciar. The presiding judge of the Aula Regis under the Norman kings, who was also minister of state, and guardian of the kingdom in the King's absence.

Chief, in. First; direct; opposed to second or cross.

Chief, tenants in. Tenants in capite, those holding immediately under the King or chief lord.

Child. An infant of either sex. A minor. Legitimate offspring.

Childwit. A fine on a bondwoman who has unlawfully begotten a child. A fine paid the lord by the reputed father of a bastard.

Chiltern Hundreds. The hundreds of Stoke, Desborough and Boneham, England, at one time the resort of robbers which a steward was appointed to suppress. The stewardship is a nominal office, his duties having ceased long ago, and as a member of Parliament cannot resign during his term, but acceptance of a civil office vacates his seat, the Chiltern Hundreds is usually given to a member of the House of Commons who desires to retire.

Digitized by Google

Chinese Exclusion Act. Act of U. S. Congress, approved Oct. 1, 1888, prohibiting the entering of Chinese laborers into the U. S.

Chinese Restriction Act. Act of U. S. Congress, May 6, 1882.

Chirograph. Hand-writing. The chirographum of the Saxons or charter of the Normans. An ancient public instrument of conveyance. A word written between a bipartite deed through which the wavering or indented line was cut.

Chirographer. An officer of the Common Pleas who engrossed fines or agreements which put an end to suits over land.

Chivalry. A tenure by knights' service.

Chose. A thing. Any kind of personal property. The word is joined to other words to express its meaning.

Chose in action. An incorporeal thing. A right in action. A right to demand by action. A right to damages.

Chose in possession. A right to possession and also the actual possession.

Chose local. A thing annexed to a place, as a mill.

Chose transitory. A thing which can be moved from place to place.

Chrenecruda. The procedure, under Salic law, by a person unable to pay his debts or fines, of making a rich relative liable for the same. It comprised an application to the relative and the throwing of green herbs upon him. This latter was the completion of the contract and the relative was bound for the obligation.

Christian. One who is a member of the Christian religion. One professing Christianity, or belief in the doctrines and precepts taught by Jesus Christ.

Christianity. The precepts taught by Christ. It is sometimes said to be a part of the common law. See 20 Pick. 206; 230 St. 211.

Christian name. The name given when one is baptized or christened; the first or personal name and not the family name.

Christmas day. The 25th of December. Also made a legal holiday.

Chronicon pretiosum. The title of a work showing the value of money at different periods in English history.

Church. A building consecrated by a bishop in which to hold divine worship; until consecrated, it is not legally a church. The clerical body as distinguished from the laity; ecclesiastic authority. The society which professes a religion.

Ci dieu vous eyde (aide). So help you God.

Ci dieu moy eyde (aide). So help me God.

Cinque ports. Five ports. Originally five (now seven) ports on the southeast coast of England, nearest France, which received important privileges for furnishing a large number of warships and men-at-arms to the King.

Digitized by Google

They are Romney, Dover, Sandwich, Hastings, Hythe, Winchelsea and Rye.

Cipher. The arithmetical figure 0, meaning nought or no quantity. Characters understood only by those who use them. A cryptogram. A key to such characters.

Circuit Court. A court in many states having general jurisdiction, but not the highest state court.

Circuit Court of U. S. One of the federal courts, held by judges of the U. S. Supreme Court.

Circuit paper. A written statement of the time and place they will be held and other information relating to assizes.

Circuits. Certain divisions of a country to which judges go to hold court.

Circuitus est evitandus. Circuity is to be avoided; a maxim seeking to avoid prolixity and delay, hence cross-demands may be made and counter-claims set up in an action.

Circuity. Indirect method, course, or action.

Circuity of action. An indirect course of action; a roundabout or complex course of proceeding.

Circular. Going around. A printed statement for general distribution.

Circular note. Same as Letters of Credit.

Circulating medium. The medium of exchange, whether money or articles used as money.

Circulation. That which goes from one person to another. The act of going from one to another.

Circumstances. Facts. Incidental or subordinate facts. Means. Influences. A person's status.

Circumstantial. Relating to facts. Made up of circumstances alone.

Circumstantial evidence. Evidence made up of circumstances other than direct testimony of witnesses. Facts which attend the main fact or tend to show its existence. The opposite of direct or positive evidence.

Circumvention. Going around; hence, deceit, fraud, stratagem, imposition. Deceit practiced to induce one to perform some act.

Cista. A box or chest for containing charters, deeds or other things.

Citatio. A citation or summons to court.

Citatio ad reassumendam causam. A citation for resuming or reviving a cause. The teste of a summons which issued when a party died pending a suit, against the heir of the defendant, or plaintiff, as the case might be.

Citation. A species of summons or order. A judicial paper directed to an officer to be served by him. An authority cited to sustain a proposition.

Cite. To summon. To notify to appear. To quote or refer to in support of a proposition.

Citizen. One who is a legal subject of a government and may

Digitized by Google

claim protection from it. In U. S., one born within the jurisdiction, or made a citizen by law. In Roman law, one who had the freedom of a city and the right to exercise civil and political rights. In England, an inhabitant of a city. Also a civilian as distinguished from a soldier.

Citizen, complete. In Roman law, one having both civil and political rights.

Citizen, naturalized. One who has been made a citizen by law. One who has been accepted as a citizen of another country after having renounced his allegiance to his native country.

Citizen, partial. In Roman law, one having civil, but not political, rights.

Citizenship. The condition of a citizen. But it is held not to involve the right to vote and hold office, political and civil rights being distinguishable. 43 Cal. 43; 10 Op. Att.-Gen. 382-387.

Citra causæ cognitionem. Without a judicial examination or cognizance of the cause.

City. An incorporated town. A municipal corporation, having corporate officers. A municipal corporation having over a stated population.

Civic. Relating to a city or citizen.

Civics. Civil government. The science which treats of the relations between citizens and the government.

Civil. Pertaining to a citizen and a State. Pertaining to organized society as represented by government. Established by law. Opposed to criminal, military, ecclesiastical, political or natural. Occurring within a State or between citizens.

Civil action. An action or suit between private persons, in a court of justice.

Civil death. The extinction of a person's legal right in consequence of being outlawed, or attainted, or entering a monastery, etc.

Civil corporation. A class of corporations not eleemosynary or charitable, as business and municipal corporations.

Civil injury. A wrong which affects an individual as an individual, and for which he has a personal right to damages or other redress. Opposed to public offence.

Civil law. Is that which regulates the civil ordinary affairs of the people, as distinguished from military and international matters. Also the municipal law of the Roman Empire, as distinguished from the common law, etc.

Civil liberty. Liberty of the individual to conduct his own affairs as he sees fit, subject only to the rights of others and the law of the land. Natural liberty so far restrained by human laws as is generally deemed expeditious for the public good. The measure of liberty which man enjoys in a state of society.

Digitized by Google

Civil list. The appropriation in the U. S. for the expenses of the government; in England, for the expenses of the royal household and establishment. The list of civil causes in a court.

Civil officer. One charged with the administration of ordinary government functions, as distinguished from an officer in the army or navy.

Civil polity. The method and machinery of the government.

Civil process. A writ or order in a civil suit.

Civil rights. Those common to all persons under civilized governments.

Civil Rights Acts. Acts of Congress creating and extending civil rights to all citizens without regard to race, color or previous condition of servitude. These acts were based on the 14th Amendment of the Constitution.

Civil Rights Cases. Cases before the Federal courts which arose under the 13th and 14th Amendments and the Civil Rights Acts. 100 U. S. 303, and 109 U. S. S.

Civil service. The executive branch of the public service.

Civil Service Commissioners. The commission appointed by the President of the U. S. to execute the Civil Service Act.

Civil Service Act. An act of Congress prescribing rules for the admission and retention of persons in the civil service, with a view to make their tenure of office independent of the political party in power.

Civil side. The civil jurisdiction of a court having both civil and criminal jurisdiction.

Civil state. The whole people organized under law and government.

Civil status. Condition with respect to being of age, married or unmarried, legitimate or illegitimate.

Civilian. One learned in the Civil Law. One not belonging to the army or navy.

Civiliter. Civilly. The opposite of criminaliter—criminally.

Civilter mortuus. Civilly dead; dead in law. Condition of one who has lost his civil rights—civil death.

Civilization. A law or judgment which converts a criminal proceeding into a civil one. An improved condition of a people. Opposed to barbarism.

Civilly. In accordance with civil procedure, as distinguished from criminal and military.

Civitatis jura. The laws of a city or State; civil law.

Claim. To demand as a right. A challenge of the ownership of property that one has not in possession, but which is detained by wrong. A demand as of right, or of anything due. A mechanic's or other lien. A tract of land taken up under the U. S. Public land laws.

Digitized by Google

Claim, adverse. A claim in conflict with that of another.

Claim, affidavit of. A sworn statement in substantiation of one's claim on demand.

Claim of conusance. An ancient claim of jurisdiction over a cause which the plaintiff had begun out of the claimant's court.

Claim of liberty. A petition to the King in the Court of Exchequer to have liberties and franchises confirmed there by the Attorney-General.

Claim of title. A claim to the title of property.

Claimant. Anciently, the plaintiff in the action of ejectment. One who makes a claim.

Clamantem et auditum infra quatuor parietes. Crying and being heard within the four walls. An expression applied where a man married a woman, seized in fee, and a child was born, which had been heard to cry. The mother being alive at the birth and the child being capable of inheriting, gave the father an inchoate right as tenant in courtesy.

Clamo. I claim; to demand or challenge; to assert a right to do a thing.

Clamor. A claim or suit. A complaint; clamor. A cry or outcry. The cry of a newly born babe. A proclamation, an accusation.

Clamor patriæ. The cry of the country, "the hue and cry."

Clamor popularis. The cry of the people.

Class. A body of persons with like characteristics, or in the same occupation, or having a common purpose, or in similar circumstances.

Clause. Close. A sentence or part of a law, an instrument in writing, a written or printed document.

Clause, attestation. See Attestation Clause.

Clause of forfeiture. The clause in a contract which provides that on default, a specified sum shall be paid as penalty. A clause which provides that the subject-matter of a deed or contract shall be forfeited on certain conditions.

Clause, residuary. The clause in a will, devise or testament which disposes of, or directs the disposition of, what remains after previous legacies have been satisfied.

Clause, rotten. A clause in a contract for insurance of a ship providing that, if the ship on inspection shall be found seaworthy, because rotten, the insurers shall be released of the obligation.

Clause, saving. An exception. One which excludes or exempts from the operation of a law, or instrument in writing.

Claves curiæ. The keys of the court. In old Scotch law, a term applied to the officers of a court; the sergeant, clerk and dempster or doomster.

Clayton-Bulwer Treaty. A treaty between the U. S. and Great

Digitized by Google

Britain, signed by their agents respectively, John M. Clayton and Henry Lytton Bulwer, dated April 19, 1850. It related to the proposed Nicaragua canal and stipulated among other things that neither country should ever obtain or maintain for itself any exclusive control over the said canal, and that neither should ever erect or maintain any fortifications commanding the same or in the vicinity thereof, or occupy, or fortify or colonize or assume or exercise any dominion over Nicaragua, Costa Rico, the Mosquito coast or any part of Central America.

Clean hands. An expression meaning free from illegality, injustice, etc., in the matter of a claim. Used in connection with one of the Maxims of Equity.

Clear. To be free from. Beyond doubt.

Clear days. The days between and exclusive of the dates mentioned. When anything is to be done, in a certain number of clear days, the first day as well as the last day is excluded.

Clearance. A certificate from the authorities that a vessel has complied with the law and has leave to sail. The granting of a clearance certificate by the collector of customs.

Clearance certificate. One which permits a vessel to leave or clear from a port.

Clearing. The settlement between banks arising through interchange of checks, etc. A tract of forest land after the trees are removed.

Clearing House. An office established by the banks of a city where their representatives meet daily to exchange checks, drafts, etc., and adjust balances.

Clearly. Without uncertainty or doubt.

Clergy. The body of ecclesiastics; ministers of a religion as a body. An abbreviated form of "benefit of clergy," of 2.

Clerical. That which pertains to the office or functions of a clerk. An act not involving discretion or judgment. Clerical error. An error in writing.

Clericus parvae bagae, et custos rotulorum, et domus conversorum. Clerk of the petty bag, and keeper of the rolls, and of the house of the converts. Applied to the Master of the Rolls.

Clerk. A secular priest. One who could read and write. A person employed to keep records. A person employed to do writing.

Clerk of Courts. In some states the title of the officers who keep the records of the courts, and issues their processes.

Clerk of a Court. An officer of a court, whose duty comprised entering and keeping its records and seal, issuing summons and processes, certifying to copies, etc.

Clerk of the House of Commons. One of the chief officers of the lower House of Parliament.

Digitized by Google

Clerk of the Market. The superintendent of a public market. Anciently in England he had certain judicial jurisdiction over controversies arising within the market.

Clerk of Assise. Officers who take the place of the associates or masters on the circuits, and also record the judicial proceedings.

Clerks of Records and Writs. English officers of the Court of Chancery. The office no longer exists.

Clerkship. The time spent by a student at law in the office of an attorney before being eligible to examination for admission to the bar. At one time, the art of drawing pleadings and entering them in Latin in the court hand. A position where the duties are those of a clerk.

Client. One receiving the protection of another. One for whom a lawyer or attorney acts professionally. The description of one employing counsel.

Clientage. Clients, as a body.

Clientela. The state of a client, clientship, protection, patronage, guardianship. Applied also to the relation of a church to its patrons.

Close. To terminate. To fill. To obstruct. To bring together. To enclose. To come to an agreement. Limited. Not public. A piece of land surrounded by a fence, or an invisible boundary existing in law only. A term applied to private or close writs and letters as distinguished from those that were open or patent.

Close rolls. The record of letters or writs of the King which were sealed and directed to particular persons as distinguished from open letters or patents.

Close writs. Private and sealed writs directed by the King to particular persons and not intended for the public. They are recorded in the Close rolls.

Clothe. To invest.

Cloture. The method of debate in a deliberative body.

Cloud. In law, claim, whether good or bad.

Co. Abbreviation of company; also county. Meaning with; together; complete.

Co-adjutor. A fellow helper; an assistant.

Co-administrator. One who is administrator with another or others.

Coalition. In French law, an agreement between two or more not to do a thing except on a condition agreed upon. A conspiracy.

Coast. The land on the edge of a country bordering on the sea.

Coast and Geodetic Survey. A bureau of the U. S. Government charged with the survey of the Atlantic, Gulf, and Pacific coasts of the U. S. and the survey of the rivers to the head of tide water or navigation. Its work includes sounding and observation of temperature and currents.

Digitized by Google

Coasting trade. Trade carried on in navigable waters within the jurisdiction of one and the same government. As between different places on the coast of the U. S.

Coastwise. Along the coast.

Cocket. A seal belonging to the King's Custom House; a certificate that customs have been paid; to give such certificate; a place where imported goods are first entered. A kind of bread. A measure.

Cockpit. The old name for the Judicial Committee of the Privy Council, so called because the room where it sat was on the site of the old cockpit of Whitehall.

Code. A system of law. A systematic body of law enacted by a legislature and intended to take the place of all other law within the jurisdiction. A system of signals. The explanation of a cipher. In Civil and Roman law, a classified collection of laws.

Code, Alfred's. An alleged compilation of laws made by Alfred the Great, A. D. 887.

Code, Amalfitan. The oldest existing code of Admiralty law, compiled in the 11th century by the merchants and magistrates of Amalfi, an Italian seaport.

Code, Black. The laws regulating the colored race in the South of the United States before their freedom.

Code, Burgundarian. A collection of Roman laws for the government of the Roman subjects of the Burgundarians, compiled between 517 and 523 A. D.

Code, Civil. A code relating to civil rights and remedies. The Code Napoleon. A civil code in France, governing rights of persons and property.

Code, Criminal. A code defining crimes and fixing punishment for the commission thereof.

Code de procedure civil. That part of the Code Napoleon which relates to the courts and the procedure therein.

Code, Eaton. A collection of laws made by Governor Eaton by authority of the General Court of New Haven Colony. First published in 1656 in London.

Code, Gregorian. A collection of Roman laws covering a period between 196 and 295 A. D.; compiled by Gregory about 300 A. D.

Code, Gentoo. The laws of the Hindus translated while Warren Hastings was Governor-General of India.

Code, Hermogenian. A code of Roman laws supposed to be from 287 to 304 A. D., named after Hermogenianus, a Roman jurist.

Code, Justinian. Same as Code Justinianeus, or Corpus Juris Civilis.

Code Napoleon. The civil code of France prepared by direction of Napoleon I, 1803-10. It was the first of six codes, the last of which was compiled in 1822.

Digitized by Google

Code of Frederick the Great. A codification of Prussian laws made by Frederick the Great in 1751.

Code of Honor. The rules of duelists.

Code pleading. A method of pleading substituted by statute for the common law pleading, used in several American states. It has no particular form and varies in different states.

Code, Theodosian. A collection of Roman laws from the time of Constantine to that of Theodosius II. It comprises 16 books and was first published in 438 A. D.

Co-defendant. One joined as defendant with another.

Codes, Barbarian. The laws made by Gothic tribes on Roman territory. They comprised the Breviary of Alaric, Papian Code and Edict of Theodoric.

Codes, Field's. Codes compiled by a commission of which David Dudley Field of New York was member and named for him. Some of the ideas of these codes have been adopted in other States.

Codex. The trunk of a tree, the stock, the stem. A book, a volume, a roll, a writing. A code of laws; a body of laws; a collection or compilation of laws by public authority.

Codex Justinianeus. The Code of Justinian. So called by Justinian himself to distinguish it from the Code of Theodosius. It is a collection of imperial constitutions in twelve books compiled by Tribonian and nine associates, under the direction of Justinian, A. D. 529. This code was the first of the four collections of laws which make up the Corpus Juris Civilis.

Codicil. A supplement to a will. It implies that there is a will to which it is an addition.

Codification. The act of compiling a code of laws. The reducing of laws to a systematic form.

Codifier. One who compiles a code.

Codify. To compile a code.

Coercion. Duress.

Coercion, direct or **positive.** Duress by physical force.

Coercion, implied, or **legal coercion.** That coercion which the law implies from the relation of the parties, as a wife assisting her husband in an act.

Co-executor. One who is executor with another or others.

Cognates, Cognoti. In the Civil Law, relations by the mother's side, or through females exclusively.

Cognatio. In the Canon Law, consanguinity as distinguished from affinity. In the Common Law, kindred by blood; consanguinity.

Cognatio a latere. Relationship from the side; collateral consanguinity. Relationship which exists between persons who are descended from the same stock or ancestor, as between two brothers from the same father, or two cousins from the same grandfather, as distinguished

Digitized by Google

from lineal consanguinity, in which the relatives are descended the one from the other.

Cognation. The relationship, in Civil Law, between two persons of the same blood.

Cognation, civil. One which results from family ties only.

Cognation, mixed. One resulting from both family and blood ties.

Cognation, natural. That resulting from blood only.

Cognizance, or **Cognisance.** An acknowledgment of a fine. An answer of a bailiff who has made a distress. An exclusive right to try causes. A privilege granted to a city or town which may be pleaded to oust jurisdiction of another court; jurisdiction; judicial power.

Cognizee. The party plaintiff in the proceedings, to whom the acknowledgment of the other's right to the land in question was made.

Cognizor. The party levying a fine. The party who acknowledged the other party's right to the land in question; the party defendant in the proceedings.

Cognomen. A surname. In Roman law, the third name, denoting the family or house to which the person belonged.

Cognovit. He has acknowledged.

Cognovit actionem. He has acknowledged the action; a confession that the plaintiff's action is just.

Cohabit. To live with one. To live together as husband and wife. To occupy the same bed and have sexual intercourse.

Cohabitant ut vir et uxor. They were living together as man and wife.

Cohabitation. The living together after the manner of husband and wife.

Coif. A title applied to sergeants at law. A lawn skull cap.

Coin. To stamp metal and make it money. A piece of metal made money by law.

Coinage. The power to coin money. The act of manufacturing money. The money coined as a whole.

Coinage Act of 1873. The act of February 12, 1873, reversing and amending the laws relative to mints and assay offices and coinage.

Coinage Repeal Act of 1893. An act approved November 1, 1893, which repealed that part of the Sherman Coinage Act, providing for the purchase of silver bullion.

Coke, Sir Edward. The supposedly greatest and most learned Common Law lawyer who ever existed, either in ancient or modern times. Chief Justice of England during reign of James I., and author of Coke on Littleton, and other works, including the celebrated reports and the remainder of the Institutes, of which Coke on Littleton is the first.

Cold water ordeal. An ordeal by which persons condemned to it were cast into a river. If they sank until pulled up by the rope

Digitized by Google

fastened to them they were acquitted; if they floated they were held guilty, it being claimed that the water rejected them because guilty.

Collateral. On the side; not direct; an accompanying or subordinate fact or condition. Property hypothecated as security for a debt. Corroborative. Secondary.

Collateral act. An act, other than payment of money, for the performance of which a bond was given.

Collateral ancestors. Ancestors on the side, as uncles, aunts, granduncles, etc.

Collateral assurance. An assurance made by bond outside of the deed.

Collateral consanguinity. Those related or descended from the same stock or ancestor, but do not descend from each other, as the issue of two sons.

Collateral impeachment. An attempt in a collateral proceeding to destroy the effect of a judgment rendered in another action.

Collateral limitation. A limitation which makes the duration of an estate depend on some other event than the life or blood of the grantee.

Collateral undertaking. An agreement to do an act or pay money because of another existing contract, debt or liability.

Collaterally. In a collateral manner. In an independent proceeding, as to attack a judgment collaterally. Indirectly.

Collect on delivery. To collect the money due the seller and the charges of carriage, on delivery of the goods.

Collection. The act of obtaining payments of money.

Collection, for. An endorsement on a note or check, meaning that the endorser desires and gives authority to have it collected when due.

Collector. A public officer who collects public dues.

College. A corporation, company, or society legally established for educational purposes. An association of persons living together. An assembly of persons for some public purpose.

College, Electoral. In the United States a body composed of the electors chosen by the people of each State who are charged with the election of a President and Vice-President.

Collegium fecialium. The college of fetiales. A Roman college of priests, who sanctioned treaties when concluded and performed the ceremonies attending a formal declaration of war.

Collegium vel universitas. A corporation or community.

Collision. A striking together of two bodies; applied to the running together of vessels.

Collision and damage. A suit in admiralty for damages for injuries caused by collision.

Collision by inscrutable fault. Where it is impossible to determine through whose fault the collision occurred.

Digitized by Google

Collision by inevitable accident. Where the collision resulted by natural causes and not the fault of those in charge of either vessel.

Collision by mutual fault. Where the collision was due to the fault of those in charge of both vessels.

Collocation. The arrangement or marshaling of the creditors of an estate in the order in which they are to be paid according to law.

Colloquium. A conversation, applied to that part of a declaration in slander alleging that defendant spoke the words.

Collusion. An agreement between two or more for one to bring an action against another in order to defraud a third person; a secret agreement for unlawful purpose. A deceitful agreement between two or more persons, to defraud another of his rights, by forms of law, or to obtain something forbidden by law.

Colonia. A possession in land; a landed estate; a farm. Abode, dwelling in general. A colony, colonial town, settlement. A portion of land assigned to a single colonus for cultivation as a task. A country house with sufficient land for the support of a husbandman and his family.

Colonial. Relating to a colony. Relating to the U. S. when they were colonies of Great Britain.

Colonist. A member of a colony.

Colonize. To establish a colony.

Colony. A settlement in a foreign land, but under control of the parent government. The territory so settled.

Color. In law, appearance of legality. Pretended legality. A plea to draw the issue from the jury to the judge by giving color to the plaintiff's title and thus raising a question of law. Having more than one-sixteenth African blood.

Color, express. Where the defence pleads feigned matter from which a good cause appeared to exist, but not in reality.

Color, give. In pleading, to admit an apparent right to exist in an opponent.

Color, implied. That which is given by the character of the defendant's defence.

Color of office. Pretended authority of office; that which is done by an officer under the semblance of his official authority, but is not really within the scope of his duties, is said to be done **colore officii**, or by color of office.

Color of law. Apparent legality.

Color of right. Semblance of right.

Color of title. That which purports to be title, but is not; as a deed from one having no interest to convey. Color of title is that which the law considers prima facie a good title, but which by reason of some defect, not appearing on its face, does not in fact amount to title. 33 Cal. 668.

Digitized by Google

Colorable. Specious, a false appearance. Not what it purports to be.

Colorable imitation. Such an imitation as is likely to deceive.

Colored person. One of African descent. One having more than one-sixteenth of African blood.

Colorless will. One which does not indicate the motives for its provisions.

Combat. A duel. A battle between two or more.

Combination. A joining two by two; a union of persons or things. In patent law, a union of two parts as of machines or machinery.

Combine. To bring into close union. To associate for a purpose. In United States, a combination of persons to effect secretly what open methods would not obtain. A conspiracy. A combination, in the form of a trust to raise prices or obstruct the ordinary course of trade.

Come. To appear in court. The form "now comes" is used in pleading to indicate the appearance of defendant.

Comes and defends. Words in pleading meaning appears and defends the action.

Comitas gentium. Comity of nations.

Comitas inter gentes vel communitates. Courtesy between nations or communities.

Comitatus. A county or shire. An earldom. A county court. A train, suite, following, attendance or household.

Comites. Companions; followers; retainers; adherents; earls; counts. Persons attached to a public minister.

Comitia. In Roman law, an assembly.

Comity. Courtesy between nations or States.

Comity, judicial. The courtesy exhibited by different judicial jurisdictions each for the other.

Comity of Nations. The courtesy by which one nation recognizes or follows the law of another.

Comity of States. The comity of nations or states.

Command. Order; power; rule. To govern; to order; to lead; to have the supreme authority.

Commence. Begin.

Commencement of a declaration. The names of the parties, the character in which they stand, the form of the action, and the method by which jurisdiction of the person is obtained.

Commencement of action, or suit. The first steps in a suit; the service of the writ or summons.

Commendation. Anciently, where the owner of land under the feudal law placed himself under the protection of a lord, thereby becoming his vassal. The giving of a benefice in commendam.

Digitized by Google

Commerce. An exchange of property of any kind between nations or individuals.

Commerce, Domestic. That carried on wholly within the limits of a State or country.

Commerce, foreign. That carried on with a foreign State or country.

Commerce, International. That carried from one nation to another.

Commerce, Interstate. Commerce between the several States or persons living in different States.

Commercial. Relating to commerce.

Commercial agent. A person living in a foreign country and having certain consular authority by appointment from his own government. A consul.

Commercial marine. Facilities for carrying on trade on the ocean. Everything used in transportation of commerce on the sea.

Commercial paper. Negotiable paper, bills of exchange, promissory notes, etc. Paper instruments for the payment of money governed by the rules of the law-merchant.

Commissariat. The department of an army having charge of supplies of food, etc. The officers of a commissary department. The supplies furnished an army. In Scotch law, the office or jurisdiction of a commissary.

Commissary. One who exercises ecclesiastical jurisdiction in the out places of a diocese. One who takes charge of the supply and distribution of provisions for an army. In Scotch law, the judge of a Commissary Court.

Commission. Perpetration. The performance of an act. A written authority empowering or directing a person named to perform some act or exercise certain jurisdiction or official duties. The persons appointed to exercise the jurisdiction or duties. In Civil Law, a bailment without reward to perform some act in connection with the article bailed.

Commission Agent. One who sells goods for another on commission.

Commission, Interstate Commerce. A commission or court created by the Interstate Commerce Act of Feb. 4, 1887. It is composed of five commissioners and their jurisdiction is fixed by the act, and supplemental acts.

Commission of Assise. In old English law, the commission from the crown appointing and directing two or more commissioners in England to go on a circuit about the kingdom to try, by a local jury, such matters then pending before Westminster Hall. These commissioners were called judges of Assise and Nisi Prius.

Commission of Lunacy. A commission out of a court to inquire into a person's sanity.

Commissioner. One who holds a commission or is authorized by law to examine into any public

Digitized by Google

matter or execute any public act. An officer appointed to assist a court in any particular. In Scotch law, one selected to manage the affairs of an unincorporated town.

Commissioner of Internal Revenue. An officer of the U. S. Treasury Department charged with the assessment and superintendence of the collection of internal revenue taxes and enforcement of internal revenue laws.

Commissioner of Patents. An officer of the Interior Department at Washington, D. C., charged with the administration of the patent law, the issuing of letters patent for inventions, and the registration of trade-marks.

Commissioner of Pensions. An officer of the Interior Department at Washington, D. C., charged with the administration of the laws granting bounty lands or pensions on account of service or for injuries in any war in which the United States has been engaged.

Commissioner of Railroad, U. S. An officer of the United States at Washington, D. C., charged with an examination of the accounts and condition of railroads all or in part west, north or south of the Missouri river, to which the U. S. have granted subsidy, credit, or loan. He is required to make an annual report to the Secretary of the Interior regarding the same.

Commissioner of the General Land Office. An officer of the Interior Department at Washington, D. C., charged with the survey, management and sale of the public domain.

Commissions. Compensation paid an agent or other as a percentage on the amount of money received or expended, or business transacted.

Commit. To perpetrate. To be guilty of. To place in trust. To send to a place of confinement.

Commitment. An order in writing consigning a person to prison. The act of sending to a place of confinement, same as mittimus.

Commitment, Warrant of. Authority in writing to place one in confinement. A mittimus.

Committee. Those to whom any matter is referred for execution or report. One to whom the care of an insane person is committed.

Committitur. He is committed. An order or minute setting forth that the person named in it is committed to the custody of the sheriff. Generally employed on the surrender of a defendant by his bail, in which case it is a minute of the surrender and commitment.

Committing Magistrate. One having authority to hear criminal charges and commit to jail or hold to bail for future action by a higher tribunal.

Commodati actio. In Civil Law, an action for a thing lent.

Commodity. Merchandise. All movables which are objects of commerce.

Digitized by Google

Common. 1. An incorporeal hereditament, being the right or privilege to take from or use another's property. 2. Belonging equally to the public, to many, or to more than one.

Common appendant. A right of common, appendant to an estate established by presumption only. A right to feed commonable cattle on other lands of the same manor. Commonable cattle are such as beasts of the plough or that manure the ground.

Common appurtenant. A right of common annexed to an estate which must be established by grant or prescription. A right to feed cattle on the land of another; it may extend to cattle not commonable.

Common assurances. Legal evidences of title. See 2 Bl. Com. 290.

Common Bench. The bench, as distinguished from the King's Bench; the English Court of Common Pleas.

Common carrier. One whose business or calling is to transport merchandise for hire, and who holds himself out to carry for all who desire to employ him, whether a person or company.

Common carriers of passengers. Such as make a business of carrying for hire all persons who apply for transportation.

Common Council. The law making body in a municipality. A branch of the city council.

Common counts. Averments or statements of a cause of action, so framed as to cover the proof, in addition to the allegations of the declaration.

Common intendment. Common understanding or meaning; natural sense; a simple, not strained construction.

Common intent. The natural or ordinary meaning of language or expression.

Common labor. Manual labor; also includes buying or selling, and the like. See 15 Ohio, 225.

Common Law. See Law, Common.

Common nuisance. A public nuisance, one that operates to the prejudice of the public in the neighborhood generally.

Common of digging. The right to take for one's own use, soil from the land of another.

Common of estovers. The right to take wood necessary for use or repairs.

Common of fowling. The right to take wild fowl from the land of another.

Common of pasture. The right of feeding one's beasts on another's land, in common with the owner, or with other persons.

Common of piscary or fishery. The right to fish in another's waters.

Common of turbary. The right to dig turf on another's land.

Common pleas. Name of a court with somewhat general jurisdiction. Civil cases. Pleas between subjects as opposed to crown pleas.

Digitized by Google

Common prostitute. A prostitute. A common woman.

Common recovery. A former mode of transferring the title to land by a fictitious suit, to evade statutes restricting the right of alienation.

Common sans nombre. Common without stint. The right to common an indefinite number of cattle.

Common scold. A quarrelsome woman; one who by habitually scolding and contending with her neighbors, becomes a public nuisance. Is an offence at common law, being a species of nuisance.

Common seal. One adopted and used by a corporation.

Common sergeant. An English judicial officer who assisted the recorder at "Old Bailey" in disposing of criminal cases.

Common stock. See Stock, common.

Common, tenancy in. The status of tenants in common.

Common traverse. See, Traverse, common.

Common vouchee. The person who is vouched to warranty in a common recovery.

Common wall. A party wall.

Common weal. The public welfare; the common good.

Commonalty. The barons and tenants in capite were anciently so styled. The masses of the people without rank or office. The middle class. The third estate.

Commoner. One enjoying a right of common. A member of the English House of Commons. An English subject who is not a peer. One of the common people. Hon. W. J. Bryan, who was lovingly referred to by his followers in the presidential campaign of 1908 as the "Great Commoner."

Commons. Land set apart for the public, or over which people have rights of common of pasture. The freeholders of England not peers of the realm.

Commons, House of. The popular branch of the English and the Canadian Parliaments. Prior to 1868 the popular branch of the North Carolina legislature.

Commonwealth. The common weal. The people as a whole. Another name for a state. A republican form of government.

Commorancy. Inhabitancy. The dwelling in any place as an inhabitant, which consists in usually lying there; a temporary residence.

Commotion, civil. An insurrection with or without acts sufficient to amount to a rebellion.

Communal, land. Land held by the ancient Irish tribes and divided annually. Land held in common, or partly so.

Commune. Commonalty; people. a self-governing town. In old French law, a municipal corporation. The committee of the people in the French revolution of 1793. The commonalty.

Digitized by Google

Commune concilium. The common council of a corporation.

Commune concilium regni Angliæ. The common council of the King and the people assembled in Parliament.

Commune forum. The common forum or place of justice. Applied to the seat of the principal courts, especially those that are fixed.

Commune placitum. A common plea or action; an action of debt.

Commune vinculum. A common bond or tie. Applied to the common stock of consanguinity and the feudal bond of fealty between lord and tenant.

Communes reipublicae sponsiones. The common obligations of the State. The common obligation of inhabitants to observe the laws of a kingdom or state.

Communi lege. Of, from, or by, the common law.

Communia. Common; common to several. Common things. Communities. Towns enfranchised by the crown about the twelfth century and made free corporations by charters of community.

Communia pasturæ. Common of pasture.

Communia placita. Common pleas, causes, suits, or actions. In old English law, civil actions between subject and subject, as distinguished from pleas of the crown.

Communication, confidential. Information given or obtained by persons occupying positions of trust toward each other and which is to be kept secret.

Communication, privileged. Communications which the law will not require one to disclose, or which in law of libel is not a defamation, or which cannot be shown as an admission. A confidential communication.

Communion of goods. In Scotch law, the right of married persons to personal property owned by them.

Communis error facit jus. Common or general error makes law. A maxim, indicating that error if long acquiesced in becomes a rule of law.

Communis patria. The common country.

Communism. A system or scheme of government in which there is a community of property.

Community. Mutuality. A mutual interest in property acquired during marriage by husband and wife, in Louisiana, Texas and California. In Civil law, a corporation or body politic. People living together and enjoying equal rights. The social state. The body of the people in a state or commonwealth.

Community, legal. A community in property between husband and wife which is implied by or arises by operation of law.

Community property. Property acquired by married persons during marriage.

Commutation of homestead entry. The buying of land entered under the U. S. homestead law

Digitized by Google

after residence and cultivation for a statutory period.

Commutation of punishment. Substituting a less for a greater punishment. Changing one punishment for another.

Commutation ticket. A ticket for transportation permitting repeated trips at a less sum than the aggregate of all the trips.

Commute. To put one thing in place of another. To take that which is less in lieu of something greater. To pay in money in place of in gross or in kind. In U. S. public land, to acquire by purchase, land entered under the homestead law before the settler would otherwise obtain title. To shorten a sentence of imprisonment.

Compact. A contract; a mutual agreement. Applied to agreements between nations or sovereigns.

Compact, original. The so-called implied contract entered into by the members of a community by which they surrender natural rights in return for protection and legal rights.

Company. An association of persons in an enterprise or business. A word supposed to indicate the existence of another partner whose name is not publicly made known. A corporation. Two or more persons associated together in trade whether incorporated or not.

Comparison of handwriting. The method of ascertaining the genuineness of a signature by comparing it with other writing by the person to whom it is attributed.

Compass. An instrument used in navigation containing a magnetic needle which points North. To grasp. To procure. To obtain.

Compensatio criminis. A set-off of guilt. A weighing or balancing of crime. A plea of recrimination in a suit for divorce.

Compensation. 1. Under the Civil and Scotch law a cross-demand or counter claim; a demand equalized by setting of another demand to reduce its amount or totally extinguish it. 2. That which is given for something else. Something paid for service, injury or privation.

Compensation, just. Compensation equal to the service or loss.

Comperuit ad diem. He appeared at the day. A plea of an action of debt on a bail bond.

Competency. The condition of being competent under the law. Qualification. Authority. Admissibility.

Competent. Legal; authority or capacity; legally qualified.

Compilation. A work made up of selections from different authors.

Compile. To take selected extracts from other authors or sources and arrange in a new form.

Complainant. One who charges another with crime or wrong. One who brings a suit in equity.

Digitized by Google

Complaint. A charge made in legal form and manner of the commission of an offence. The statement of a cause of action. Under some state codes, the name of the first pleading in a civil action.

Compos mentis. Sound in mind. Having control or possession of mental power or faculties. A man in such a state of mind as to be qualified legally to sign a will, deed, etc.

Composition. An agreement or compromise for the reduction of a claim. Money paid in compensation for crimes committed. An agreement of a number of creditors of an insolvent debtor to accept less than their entire demand. An amicable arrangement of a lawsuit.

Composition deed. An agreement between a debtor and his creditors by which they are to take part payment in full of their demands.

Composition in bankruptcy. An agreement by creditors to accept part in satisfaction of the whole of a debt.

Composition of matter. In Patent law, a combination of materials. The process of combining materials.

Composition, real or of tithes. An agreement under English Ecclesiastical law made between the parson and landowner, with consent of the ordinary and patron, that certain lands shall be discharged of tithes for some real recompense given in lieu thereof.

Compound. Composed of two or more elements. To make a compromise or settlement. To give or accept pay for an offence or injury. To agree for a consideration to refrain from prosecution. To add interest and principal together. To take part in satisfaction of the whole.

Compound interest. The adding of the interest on a sum of money to the sum itself, and then computing interest on this new principal.

Compounding a debt. Settling or discharging a debt for less than the sum due.

Compounding a felony. Agreeing for a valuable consideration not to prosecute one charged with felony.

Compromise. An agreement to settle a suit, claim or demand.

Compulsion. Duress.

Compurgator. Anciently one who by oath testified to another's innocence.

Compurgators. In old English law, the eleven persons who swore with the defendant, in a trial by wager of law that he was not guilty, or did not owe the plaintiff anything; the twelve persons who swore with the defendant that he was not guilty, in the trial of a clerk for felony. This act was termed compurgation.

Computatio temporis. A computing or reckoning of time; computation of time; the account and construction of time by rule of law.

Digitized by Google

Conceal. To keep secret, hide, keep from view. To withold information. In Insurance law, for an insured to withhold a fact material to a risk.

Concealed weapons. Weapons wilfully or knowingly covered or kept from sight. 31 Ala. 387.

Concealment. The intentional suppression of a material fact by one party to a contract.

Concelatores. In old English law, detectors or discoverers of concealed lands. Persons appointed by letters patent to discover lands, which were suspected of being concealed or withheld from the crown. (Lord Coke called them **turbidum hominum genus**—a troublesome, disturbant sort of men.)

Conceptio in jus. In Civil law, a formula in conformity with law.

Conception. The vitalization of the ovule or egg in the womb of the female by contact with the generative fluid of the male.

Concern. Interest. Business. An establishment.

Concessio. A grant; one of the Common law forms of transferring or conveying the property of incorporeal hereditaments or things which cannot pass by delivery.

Concession. The conveyance of territory from one sovereignty to another. Yielding a demand or dispute.

Concilium. A court; a council. A time and place of meeting. Argument; the sitting of a court to hear argument. The legislative body in the government of a city or borough. An advisory body selected to aid the executive. The counsel in a cause or matter.

Concilium Regis. An English tribunal during the reign of Edw. I and Edw. II., to which cases of unusual difficulty were referred.

Concilium regis privatum. The King's private council.

Conclude. To determine, finish, shut up or close. To prevent a person from pleading or claiming any other thing. To bar or shut out; to hold a party to a position which he has taken.

Conclusion. The end of a plea; a bar. The ending. An inference.

Conclusion to the country. The tender of issue to be tried by jury, at the end of a plea or traverse.

Conclusive presumption. One that cannot be dispersed.

Concord. An agreement, accord. A compromise.

Concordia. An agreement; concord; accord. An agreement of a jury. An agreement between two or more persons, upon a trespass committed, by way of amends or satisfaction for it. An agreement between the parties to a fine of lands, how and in what manner the land should pass.

Concourse. In Scotch law, concurrence of criminal and civil actions based on the same facts.

Concubinage. An exception against a woman who sues for dower. In Civil law, a species

Digitized by Google

of marriage authorized by law. A natural marriage; cohabitation as man and wife without marriage.

Concubine. A woman not married to a man who lives with him as his wife.

Concurrence. Co-equal right, privilege or authority. Agreement in mind.

Concurrent. Having equal authority, legality or operation.

Concurrent jurisdiction. The same power to exercise authority, whether legislative, executive or judicial.

Concurrent remedy. One which will give the person injured relief equally with another, as trespass and case in certain instances.

Condemn. To find guilty; to doom to punishment; to censure; to blame. To declare illegal. To sentence. To forfeit. To confiscate. To declare to be a prize of war, or not seaworthy. To declare necessary for public use.

Condemnation. A sentence or judgment which condemns some one to do, to give, to pay or suffer something, or which declares that his claim or pretensions are unfounded.

Conditio si non nupserit. A condition if he (or she) shall not have married.

Conditio viduitatis. A condition of widowhood. A condition restraining marriage of the testator's widow, is legal but not valid as to any other woman.

Condition. A restraint or qualification annexed to a thing which if observed the persons performing obtain advantage, otherwise loss. That which may or may not happen. A term upon which a grant is made. A restriction upon acts.

Condition, collateral. That which is annexed to a collateral act, or incidental to another condition. Something collateral to the principal act or transaction.

Condition, disjunctive. One requiring only one of several things to happen.

Condition, expressed. A condition created by express words. One expressed in the deed by which it is created.

Condition, implied. One implied from the nature of the estate. One implied by law.

Condition in deed. A condition expressed in a deed in terms.

Condition in law. One implied by law as annexed to a grant.

Condition, inherent. One which descends to the heir with the land.

Condition, insensible. One impossible or contradictory to the main condition.

Condition, mixed. One which depends on the will of the party with some other, or some other event.

Condition, negative. That which requires something not to be done.

Condition, precedent. One which happens before the main act.

Digitized by Google

One preceding the accruing of an estate, right or liability.

Condition, subsequent. One which happens after the main act.

Conditional. Depending upon or subject to a condition.

Conditional fee. One limited to descend to a particular class of heirs; changed by the Statute de Donis into fee-tail.

Conditional limitation. An estate so limited by the words creating it, that it can only exist until the contingency happens, upon which it fails. See 1 Steph. Com. 309, 310.

Conditions, concurrent. Conditions dependent on each other and to be performed at the same time.

Conditions, impossible. Those incapable of being performed under the circumstances.

Conditions, lawful. Those allowed by law.

Conditions of sale. The terms upon which a sale will be made, as to the manner of paying for the article bought.

Conditions, unlawful. Those prohibited by law, not in accordance with law, or against public policy.

Condonation. Forgiveness of a breach of marriage obligations. In cases of divorce, the forgiveness, either express or implied from actions, of a breach of marital duty, on condition that the fault shall not be repeated.

Condone. To expressly or impliedly forgive.

Conductor. A hirer, lessee, bailee.

Conductor operarum. The hirer of labor; the conductor of works, operations.

Cone and key. Accounts and keys. Applied to a woman of fourteen or fifteen, who at that age among the Saxons might take the cone and key of a house.

Confederacy. A combination between two or more persons to do any hurt or damage to another, or to an unlawful act. A union by league or mutual contract; federal compact. Conspiracy. The charge in a bill of equity of a confederacy between the defendant and other persons to injure the complainant.

Confederate States of America. The eleven Southern States that seceded in 1860-1861. They were South Carolina, Mississippi, Florida, Alabama, Georgia, Louisiana, Texas, Virginia, Arkansas, Tennessee and North Carolina. This confederacy was dissolved in 1865, after the war with the U. S. Government.

Confederation. An agreement. Confederacy.

Confederation, Articles of. See Articles of Confederation.

Conference. A meeting of counsel for discussion of some special matter. An official consultation. A meeting of two committees, one from each branch of a legislature, to adjust matters in controversy between them as to the form or substance of a bill.

Digitized by Google

Confession. An admission of guilt. An admission that the plaintiff's action is good.

Confession and avoidance. Applied to pleas which admit the facts alleged in the declaration, but aver new facts to avoid the legal effect of what is admitted.

Confessions, extra-judicial. Confession made out of court or before other than a magistrate with jurisdiction to hear the same.

Confession, incidental. One made in connection with the confession of some other fact or matter.

Confession, indirect. One implied from acts.

Confession, judicial. One made before a court or magistrate with jurisdiction to hear the same.

Confession of judgment. An admission of the jurisdiction of the court, the truth of the plaintiff's cause of action and assent to judgment being entered. In criminal law, a plea of guilty.

Confessional. Relating to a confession to a priest. In old English law, it was not a privileged communication, but in some of the States of the U. S. it has been made so by statute.

Confessor. A priest of the Christian church who hears confessions in confidence from the members of the church.

Confidence. The trust one reposes in another.

Confidential communication. Knowledge obtained under such circumstances that the law does not require it to be divulged. See privileged communications.

Confidential relation. The relation which exists between those who transact matters for another, as attorney and client, agent and principal.

Confinement. Imprisonment.

Confirm. To complete that which was incomplete. To ratify that done without authority.

Confirmatio chartarum. Confirmation of the charters. After Magna Charta and after Charta de Foresta English Kings were required to confirm these charters. The title of the statute passed 25 Edw. I., A. D. 1297, directing Magna Charta to be allowed as the Common Law.

Confirmation. The conveyance of an estate in lands to another who has the possession or an estate therein. The strengthening of an estate. An assent to an estate already created. Affirmation. The sanction of a court.

Confiscate. To forfeit. To condemn. To convert. To transfer to the public treasury, for the use of the State.

Confiscation. The act of confiscating, or condemning property as forfeited to the sovereign power.

Confiscation Acts. Acts of U. S. Congress of August 6, 1861, and July 17, 1862, making the property of rebels the subject of capture and prize.

Digitized by Google

Conflict of laws. The opposition to each other of laws on the same subject. A branch of jurisprudence treating of the application of conflicting laws of independent states or nations, to matters claimed to be within the jurisdiction of each. See Story, on "Conflict of Laws."

Conformity. Correspondence in form. In England, adherence to the established church.

Confront. To bring to one's view.

Confronted. Brought before one for inspection and examination.

Confusion. A mingling; admixture. The intermingling of the goods of two or more persons, so that the several portions can no longer be distinguished.

Confusion of boundaries. The conflict of boundaries of land. The branch of equity which adjusts disputed or uncertain boundaries.

Confusion of debts. The existence of two adverse rights to the same thing in the same person.

Confusion of goods. Such an intermingling of the goods of two or more that one cannot be distinguished from the other.

Conge. Leave, license, or permission. In French law, a species of passport. Permission to navigate; a clearance.

Congregation. A gathering of persons for religious purposes.

Congress. A coming together. An assembly of representatives. The Federal legislature of the U. S. A meeting of representatives of different nations of the settlement of affairs in which they are interested. Sexual intercourse.

Congress, Continental. The Congress held by the American Colonies, except Georgia, from Sept. 5, 1774, to Oct. 26, 1774. Also a Congress held by the thirteen colonies from May 10, 1775, to Dec. 12, 1776. Also a body which met from Dec. 20, 1776, to March 1, 1781.

Congress, Federal. The Congress which met under the Articles of Confederation from 1781 to 1789.

Congress, number of. To get the number of Congress subtract 1789 from the year of the first session, divide by two and add one.

Congress, U. S. The Senate and House of Representatives of the Federal Government of the U. S., and law-making power, under the present Constitution. It first met March 4, 1789. It consists of representatives elected by the people of certain districts within the States only, and Senators elected by the legislature of States. The term comprises a long and short session.

Conjugal rights. Rights belonging to husband and wife as a result of the marriage state.

Conjunction. Jointly.

Conjuration. Swearing together; an agreeing; a confirmation under oath; a combination under oath to do public harm; a conspiracy.

Digitized by Google

Conjurator. One who swears with or is sworn with others; one bound by oath with others; a compurgator.

Connection. Union. Combination. Relationship. Contact. Sexual intercourse.

Connivance. Actual consent or wilful or corrupt indifference to the commission of a wrong.

Connive. To intentionally forbear to see a fault or other act; voluntary oversight.

Conquisition. Acquisition; any means of acquiring an estate out of the common course of inheritance.

Consanguinity. The relation existing between those who come from a common ancestor. Blood relationship; kindred by birth.

Consanguinity, collateral. The relation existing between two or more not descended one from the other, but from a common ancestor; as brother and sister, uncle and nephew, cousins, etc.

Consanguinity, lineal. The relation which exists between two or more descended one from the other, and in which each generation counts as a degree, as father and son.

Conscience, rights of. The right to hold any religious opinion; or engage in any religious practice not in violation of law.

Consensus. Agreement of minds. Accord.

Consensual. Created by consent. In Civil Law, while a contract of sale is created by consent, a contract for the loan of an article does not exist until the article is delivered.

Consensus non concubitus, facit matrimonium. Consent, not concubinage, constitutes marriage. The agreement to become man and wife is more important than the act of intercourse.

Consensus et concubitus. Consent and lying together. Applied to a marriage by those who went to Scotland to be married in order to escape the formalities of the English law.

Consensus tollit errorum. Consent removes the error. A legal maxim upon which is based the doctrine of waiver.

Consent. To agree; to comply; to assent. An agreement to what is proposed.

Consent, age of. The age under which seduction is punishable as rape. It is fixed by statute and varies in the different States.

Consent, express. That expressly given either in spoken or written words.

Consent, implied. That implied from acts.

Consent to marriage, age of. Age when a male or female arrives at puberty.

Consequences. That which results from an act.

Consequential. Flowing from a cause; resulting from an act.

Consequential damages. See Damages, consequential.

Digitized by Google

Conservator of the peace. One whose duty is to see that the peace is not broken.

Consideration. The price for which an undertaking is promised and without which is not legal. The material inducement that moves one to do or not to do an act.

Consideration, adequate. A consideration equal to that for which is given.

Consideration, executed. A consideration performed or paid.

Consideration, executory. A consideration to be given in the future.

Consideration, express. Consideration stated in terms in an instrument writing.

Consideration, good. One based on blood relationship. One good in law even though not valuable.

Consideration, immoral. A consideration against good morals.

Consideration, implied. That implied by law.

Consideration, moral. One believed to be a duty, though not enforceable in law.

Consideration, past. Something paid or done before the promise is given.

Consideration, valuable. Property, money, or the equivalent of money.

Consideration, concurrent. Where the acts which comprise it are to be performed at the same time on both sides.

Considerations, illegal. Those involving the doing of something against public policy or contrary to law.

Considered. Determined by a court. Adjudged.

Consign. To transfer in trust; to transmit goods for sale, etc. In Civil law, to deposit an article under order of court for the benefit of a creditor.

Consignee. One to whom articles are consigned.

Consignment. Articles deposited or the act of depositing articles to be transported.

Consignor. One who consigns goods to another. See Consign.

Consimili casu. In a like case. Words of a statute (Westm. 2 Ch. 24) authorizing the Clerks in Chancery to frame writs where none existed, and the case was similar to others. A writ of entry for a reversioner to recover land alienated by a tenant for life or by courtesy for a greater estate than he had.

Consistory. A tribunal of which the bishop's chancellor was judge.

Consolato del mare. The consulate of the sea. The title of a collection of European Sea-law, now generally considered the most ancient extant.

Consolidation. Combining or uniting. A uniting of possession, occupancy, or profit of lands with the property. Merger.

Consolidations of actions. The trial of several actions at one

Digitized by Google

and the same time, or a direction that the judgment of one shall be applied to all of several involving the same issue.

Consolidation rule. An order requiring one who has instituted several suits against the same defendant to consolidate them if proper pleading permit.

Consols. Abbreviation of Consolidated Annuities, or various funds for the payment of the national debt of England.

Conspiracy Originally an agreement of two or more to have a third indicted. A combination or agreement of two or more persons to accomplish an unlawful purpose, or a lawful purpose by unlawful means. 48 Me. 218.

Conspirators. Persons guilty of conspiracy.

Constable. Anciently an officer of the highest dignity in England, though at first a superintendent of the King's stables. Now, a conservator of the peace and server of processes for justices of the peace.

Constable, Lord High. An ancient officer in England with jurisdiction over matters in chivalry. The office was forfeited in 1521, but has been occasionally conferred since.

Constabulary. Relating to constables. Constables as a body.

Constituent. One represented by another. A client. A principal. One possessing political rights. One who is represented by another. The electors in a district are said to be constituents of him whom they elect to Congress.

Constitute. To make. To establish by authority. To give power to. To appoint.

Constitution. An act, statute, or ordinance; an establishment. A provision of a statute. Establishment. Creation. The fundamental laws of a State or nation; the form of government. A sum paid according to agreement.

Constitution, U. S. The instrument by which the Federal Government is established and powers delegated to it by the States. It went into effect March 4, 1789. It contains seven articles and fifteen amendments. The organic law of the United States as a nation.

Constitutional. In accordance with the constitution.

Constitutions of Clarendon. The sixteen articles adopted at the assize of Clarendon. Ten of these were condemned by Pope Alexander as hostile to the church; six were tolerated as less evil. Henry II (A. D. 1164) had these adopted to settle the points in controversy between him and Becket.

Constraint. Restraint. In Scotch law, duress.

Construct. To put together. To erect.

Construction. The act of interpreting. Drawing conclusions respecting subjects that lie beyond the direct expression of the text. Determining the sense and

Digitized by Google

application as to the case or subject-matter in question. Interpreting so as to obtain the intention of the parties or makers.

Construction, liberal. A construction which goes beyond the mere letter and enlarges or restrains the meaning to carry the intent of the makers of an instrument in writing or rule law.

Construction, strict. A construction which confines the meaning to that expressed.

Constructive assent. Assent implied from acts or conduct as distinguished from that expressed.

Constructive fraud. That which operates to defraud, is considered as fraudulent, without proof of intent to defraud. That which is deemed fraud under the circumstances.

Constructive notice. Notice or knowledge imputed to a person regardless of the fact of actual notice. See public notice.

Construe. To obtain the meaning of an instrument of statute by arrangement and inference.

Consuetudo loci est observanda. A custom of a place is to be observed; i. e., will be recognized as part of the law.

Consul. A governmental officer stationed within a foreign state or country with duties designed to assist the commercial welfare of the nation he represents.

Consul, Deputy. One who acts as assistant to a consul.

Consul-General. A consul having supervision of the other consuls in the country to which he is accredited.

Consul-General, Deputy. One who is an assistant to the Consul-General.

Consul-General, Vice. One who acts in absence of a Consul-General and also has other duties relating to the office.

Consul-General, Vice and Deputy. An assistant or deputy to a Consul-General, who also acts as Consul-General in the latter's absence.

Consultation. A special conference to determine some question. English writ, analogous to procederdo.

Consummation. Completion; perfection. In marriage law, sexual intercourse.

Contemporaneous. Occurring or existing at or near the same time.

Contemporaneous exposition. A construction after taking into consideration the time and circumstances, or a construction made soon after a statute was enacted or an instrument writing executed.

Contemporaneous expositio est optima et fortissima in lege. A timely construction is the best and strongest in law.

Contempt. Disregard of the orders or authority of a court or legislative body. Wilful disrespect, or disobedience of a court law-making body. Contempt is a disobedience to the court, by

Digitized by Google

acting in opposition to the authority, justice, and dignity thereof. 21 Conn. 185.

Contempt, constructive. Failure to obey orders of court to be performed without the presence of the court.

Contempt, criminal. Contempt committed in the view or presence of the court.

Contempt of court. Same as Contempt.

Contentious. Litigious. Proceedings in ecclesiastical courts upon matters in dispute, as distinguished from its voluntary jurisdiction, probate, etc., where there is no dispute.

Contents. A sum promised to be paid, in a note, bill, or bond. That which a thing contains.

Contest. To dispute. To dispute a right claimed by another. To resist. The style of a proceeding in U. S. public land law in which a right is disputed. A controversy.

Contestant. One who disputes a right claimed by another. A litigant.

Contestatio litis. A narrative of claims or pleadings by the parties, by which they arrived at the issue to be tried; hence, the dispute itself.

Context. Words immediately preceding or following the words under consideration in a statute or instrument in writing.

Contiguous. In close contact. Touching. Lying next to.

Contingency. An uncertainty. An event that may or may not come to pass. A possibility.

Contingency with a double aspect. Two contingencies in a conditional limitation so arranged that one is the substitute for the other should one fail, though neither is in derogation of the other.

Contingent. That which may or may not exist. Possible, but not certain.

Contingent legacy. A legacy made contingent upon some uncertain event.

Contingent remainder. A remainder whose vesting is made to depend upon a contingency which may never happen, or which may not happen until too late for it to vest.

Contingent use. One which may or may not vest.

Continuance. A postponement.

Continuando. By continuing; in continuing. A word used in a declaration of trespass, where the plaintiff could recover damages for several trespasses in the same action.

Continuance. Postponement or adjournment.

Continuation. A continuance; an adjournment. The adjournment. The adjournment of the proceedings in a cause from one term or day to another.

Continuous adverse use. Adverse use without interruption.

Contra. Contrary; against; otherwise than; opposite to; toward.

Digitized by Google

Contra bona mores. Against good morals.

Contra formam doni. Against the form of the grant.

Contra formam statuti. Against the form of the statute. The concluding words in indictments and declarations on penal statutes.

Contra formam statuti in tali casu edito et proviso. Against the form of the statute in such case made and provided. The usual conclusion of an indictment for a statutory offense.

Contra omnes gentes. Against all persons. Words used in old covenants of warranty.

Contra pacem. Against the peace. Words used formerly in declarations in trespass.

Contraband. Contrary to a ban, or public proclamation. Things by law forbidden to be sold or transported.

Contraband of war. Articles that are prohibited by the laws of war for a neutral to furnish either of two belligerents. A fugitive slave who escaped from a rebel master and took refuge within the Union lines during the Civil War.

Contract. An agreement between two or more persons, for a consideration, to do or not to do a certain act. See 2 Bl. Com. 442; 2 Kent Com. 449; 9 Cal. 81.

Contract, absolute. An agreement to perform without regard to what may occur.

Contract, accessory. One which promises the performance in another contract.

Contract, aleatory. An uncertain contract; one the performance of which depends on an uncertain event, as a contract of insurance.

Contract, ante-nuptial. A contract made before marriage.

Contract, bilateral. A contract wherein the promise of one is consideration for the promise of the other.

Contract, certain. One dependent on the will of the party, or one which owing to circumstances can only be performed as agreed.

Contract, conditional. A contract in which performance depends on a condition.

Contract, commutative. A contract where the payment or performance on one side is equivalent to that on the other.

Contract, consensual. One complete by the mere agreement of the parties. One which can be dissolved by mutual consent.

Contract, executed. One already performed.

Contract, executory. One which requires something to be done in the future.

Contract, express. One formally stated in terms whether written or verbal.

Contract, fiduciary. A contract by which one delivers a thing to another to be returned when wanted.

Digitized by Google

Contract, gratuitous. A contract without consideration. If, however, the promisee suffer damage or forbear to do something because of a gratuitous promise, the promisor is bound though no benefit accrue to him.

Contract, illegal. A contract to do that which is against public policy, or forbidden by law.

Contract, implied. One implied from acts and circumstances.

Contract, impossible. A contract in which performance by one party at least is inherently impossible.

Contract, indemnity. A contract by which one person agrees to hold another harmless from a claim or liability for any loss or damage therefrom.

Contract, independent. One in which the acts do not depend one on the other.

Contract, joint. One in which two or more are jointly bound or are to be benefited jointly.

Contract of sale. A contract in which one party agrees to sell and the other to buy.

Contract, oral. One not in writing.

Contract, parol. A verbal or written contract not under seal.

Contract, pre. A previous contract which prevents the carrying out of another.

Contract, quasi. Resembling a contract. That which is in the nature of a contract.

Contract, reciprocal. A mutual contract.

Contract, special. One containing particular provisions, or relating to some particular matter connected with another contract, or in addition thereto. A speciality, or sealed contract.

Contract, sub. A contract to perform all or part of that which another has contracted to do.

Contract, unilateral. A one-sided contract. A contract where the agreement is made in express terms by one party only.

Contract, verbal. Same as Contract, Parol. In Civil law, one arising from something said.

Contract, void. One that cannot be enforced. One which is unlawful or illegal of itself, as a contract against public policy or prohibited by law.

Contract, voidable. One which can be avoided if the parties desire, but can be made valid on subsequent ratification, as a contract to which a minor is a party, which the latter can ratify on coming of age and thus make valid.

Contract, wagering. A gambling contract. An agreement providing that the parties thereto are to gain or lose by the happening of some uncertain event in which they are not interested. Such agreements are against public policy and void.

Contractus bonae fidei. In Roman law, contracts of good faith. Contracts not determined by law, but by the discretion of the

Digitized by Google

judge, and to which equitable defences could be made.

Contractus stricti juris. Contracts of strict law. In Roman law, contracts determined in accordance with law only and to which no equitable defence could be made.

Contradict. To deny or dispute. To prove that the statement of a witness is incorrect or false.

Contrary. To oppose. In violation of; not in accordance with.

Contribution. That given by one as his share. Average. General average.

Contributor. One who makes, or is liable to, contribution.

Contributory. Applied in law of torts to negligence on the part of the person injured, which contributes to his injury. Casually sharing in some act. A shareholder in a joint stock company who is required to pay his contributive share of its debts, on its being wound up.

Control. To exercise governing influence over. Regulation. Directing or governing influence.

Controller (Comptroller) of the Currency. An officer of the U. S. Treasury having the enforcement of law relating to the national banks.

Controversy. A dispute, contention; a suit at law or in equity; a civil action or proceeding.

Controvert. To oppose; to dispute; to deny.

Controverted. A contested matter. A term applied in England to a contest over an election before a court or legislative body.

Contumacy. Refusal to obey the order of a court or tribunal having power to issue orders. Contempt of court.

Contumacy, actual. A refusal in open court to obey an order of court.

Contumacy, presumed. Failing to appear on being cited.

Contusion. A bruise without breaking the skin.

Conusance. Cognizance or jurisdiction; conusance of pleas.

Conusant. Knowing, understanding; privy to. Same as Cognizant.

Convene. A coming together. To call or summon to appear, as by judicial authority. To convoke. To assemble for some public purpose, or to take concerted action.

Conventio vincit legem. An express agreement overcomes the law.

Conventio privatorum non potest publico juri derogire. Private agreements cannot run counter to public right.

Convention. A mutual compact or engagement between sovereign powers. A treaty. An irregular meeting of a Parliament or Congress of its own motion. An agreement between military commanders in time of war. A body of persons elected by the people or appointed by an official to meet at some specified time for a specified purpose. In Civil law, a mutual agreement.

Digitized by Google

Conventional estates. Those created by the acts of the parties, as distinguished from those created by operation of law.

Conventions. Compacts between foreign countries regarding the arrest and extradition of fugitives.

Conversion. 1. Changing from one state, position, form or substance to another. 2. Wrongful appropriation to one's own use of the goods of another.

Conversion, constructive. A conversion of goods implied by law from the acts of the party.

Conversion, direct. An actual unauthorized appropriation of the property of another to one's own use or for the use of one other than the rightful owner.

Conversion, equitable. See Equitable Conversion.

Conversion, qualified. A conversion or change to be made by the testator for some specified or particular purpose.

Conversion, trover and. The form of an action for damages for the value of a thing wrongfully converted by another to his use.

Convey. To transfer property; to pass title to real property by writing under seal, and in mode prescribed by law.

Conveyance. The act of transferring an estate by instrument in writing. A deed which passes land from one person to another. A vehicle of transportation.

Conveyance, absolute. One which is complete and leaves nothing to be done.

Conveyance, adverse. One of two or more conveyances transferring conflicting rights.

Conveyance, fraudulent. A conveyance tinged with fraud. A conveyance made to defraud creditors.

Conveyance, original. One which creates an estate or by which it arises, as feoffment, grant, gift, lease, exchange, or partition.

Conveyance, private. A vehicle used for private use.

Conveyance, public. A vehicle used for the conveyance of the public in general. One used by a common carrier.

Conveyance, voluntary. A conveyance without a valuable consideration.

Conveyancer. One who draws instruments in writing affecting title to land, or transacts other matters relating to land, as a business.

Conveyances at Common Law. They were: feoffment, gift, grant, lease, exchange, partition, release, confirmation, surrender, assignment, defeasance.

Conveyancing. The business of a conveyancer. The branch of law relating to title, particularly title to land.

Conveyances, innocent. In English law, such conveyances as a leasehold tenant can make without forfeiting his term. These were lease and release, bargain and sale, and where there was a life tenancy, covenant to stand seized.

Digitized by Google

Convict. To condemn. To find guilty of crime. One found guilty of an offence by a jury, or upon his own confession.

Convicted. Adjudged guilty of a crime by a competent tribunal.

Conviction. The finding guilty by a jury. The judgment by a court that the accused is guilty.

Conviction, abiding. See Abiding Conviction.

Conviction, former. A plea that the defendant has been once convicted of the same offence. Autrefois convict.

Convince. To satisfy with proof.

Convocation. A convoking, calling or assembling together. An assembly of representatives of the clergy.

Co-obligor. One bound with another in an obligation.

Cool blood. The absence of anger.

Cooling time. A legal phrase referring to the time required for a person under the influence of passion or excitement to become calm and cool, after which there would be no excuse for committing a crime.

Co-ordinate. Of the same order, rank or authority.

Co-parcenary. Joint inheritance; an inheritance by co-parceners. The estate inherited by co-parceners. The estate resulting when title to land descends to two or more as one heir. There is a unity of interest, though not necessarily an equality.

Co-parceners (or Parcenors). Co-heirs; such as have a united interest in the inheritance of an ancestor. Those taking a co-parcenary estate.

Co-partner. A joint partner; sharer.

Co-partnership. A partnership. Joint partnership.

Copula. That which joins together, or binds fast. A bond, a connection. Carnal connection.

Copulate. To have sexual intercourse. To unite.

Copulation. Sexual intercourse.

Copulatio vestorum indicat acceptationem in eodem sensu. By connecting words it is indicated that they are accepted in the same sense.

Copy. A reproduction of a written instrument, or other thing. The transcript of an original writing.

Copy, certified. One attested or certified as correct by the officer having charge of the original.

Copy, examined. One that has been compared with the original.

Copy, exemplified. A copy certified by a competent court as a true copy of the original. A complete or full copy.

Copyhold. A base tenure held at the will of the lord; anciently a tenure held in villeinage, which has been so held out of memory. The only evidence of title is the copy of rolls made by the steward of the lord's court.

Copyright. An exclusive right of making copies and controlling

Digitized by Google

the publication of a literary or other production within the copyright statute for a certain period of time. In U. S. the right is granted for 28 years with a renewal of 14 years.

Copyright, Common Law. Probably did not exist, as very few could write, printing was not known, and courts of equity were not introduced until long after the Common law was established.

Copyright, International. An arrangement between nations by which copyright in one nation carries protection of the work copyrighted to such other nations as are parties to the arrangement.

Coram. Before, or in the presence of.

Coram ipso rege. Before the King in person.

Coram nobis. Before us—before the Court of King's Bench. The name of a writ of error on judgments of the Court of King's (or Queen's) Bench.

Coram non judice. Before one who has no authority or jurisdiction. A cause determined by a court without jurisdiction; proceedings in a competent court which are void for irregularity.

Coram paribus. Before the peers or freeholders, before whom instruments in writing were once acknowledged or executed.

Coram vobis. Before you (the Common Pleas). A writ of error directed to the same court which tried the cause, to correct an error in fact.

Co-respondent. One summoned to answer with another in an Admiralty, Ecclesiastical, Divorce, or Probate Court. One named in a divorce proceeding with the husband or wife, and with whom he or she is charged with having committed adultery.

Corner. An angle made by two boundary lines. To buy up a commodity in order to control the market and fix its price. The condition of the market caused by such condition. Similar to the English forstalling.

Coroner. Anciently an officer to enquire into certain matters which concerned the coronam regis, as sudden deaths, shipwrecks, treasure trove. They were also conservators of the peace. In the United States their duties are to enquire into the cause of sudden deaths and serve writs where the sheriff is not qualified so to do.

Corporal. Relating to the body.

Corporal oath. An oath where the witness lays his right hand on the New Testament.

Corporate. Concerning a corporation; considered as one; belonging to one.

Corporate body. A company or corporation.

Corporate existence. The life or period of time for which a corporation is created. As to when it begins depends on the law which creates it.

Digitized by Google

Corporation. A natural person, or body of persons, given a legal entity or existence, and certain powers by law. A body politic. An artificial person or being, endowed by law with the capacity of succession, existing in contemplation of law, and possessing no powers not conferred by law.

Corporation aggregate. A collection of individuals united in one legal being.

Corporation, business. A private corporation engaged in any character of commercial enterprise.

Corporation, charitable. One engaged in charitable matters.

Corporation, domestic. One exercising its powers within the jurisdiction of the government which created it.

Corporation, foreign. One created by another state or government.

Corporation, municipal. A public corporation created to carry out objects of the government proper, the purpose of which is to promote the public interests.

Corporation, national. A corporation created by the Congress of the United States, or under a Federal law.

Corporation, private. A corporation created for other than the interest of the government or the administration of political power. One that is conducted by and in the interests of private persons.

Corporation, public. One created for the public benefit and to carry out the affairs of the State. A public corporation is one that is created for political purposes, with political powers, to be exercised for purposes connected with the public good in the administration of civil government.

Corporation, quasi public. One which is incorporated partially for the benefit and convenience of the public; as a railroad, bridge, turnpike, ferry and similar corporations. 37 Cal. 543.

Corporation, quasi. One exercising powers of a corporate character, but which was not created a corporation by law.

Corporation, sole. A corporation consisting of one person only and his successors, the mention of whom is necessary, in order that they may succeed to rights or duties conferred upon the present representative of the corporation.

Corporations by prescription. Those existing by virtue of immemorial right or privilege. In England, corporations which have exercised the privilege of such beyond the memory of man to the contrary.

Corporations, close. Where a few and not all of the members have the election of officers.

Corporations, lay. Such as exist for business purposes, or other than religious purposes.

Corporations, open. Where all the members vote on the election of officers.

Corporeal. That which is material. Having a body. That

Digitized by Google

which may be touched or handled, as houses and lands. It refers to the essential nature of a thing, its constitutions or make up, as being tangible.

Corporeal hereditaments. Inheritable things of a material nature.

Corporeal property. Such as can be seen and handled.

Corpse. The dead body of a human being.

Corpus. A body. Any object composed of materials perceptible by the senses; body; substance.

Corpus comitatus. The body of a county, the inhabitants of citizens of a whole county as distinguished from a part of the county or a part of its citizens.

Corpus delicti. The substance of the fault, or body of the offense. The subject of the crime or its visible effect. It is said there can be no conviction of a crime until the corpus delicti is proven, this means that there must be proof that there was a crime committed.

Corpus juris. A body of law; the body of the law.

Corpus juris civilis. The bulk of the Civil (Roman) Law, comprising the Pandects in 50 books, the Institutes, the Codex Repetitæ Prælectionis, the Novellæ or Novallæ Constitutiones. The Codex Prælectionis was a revised edition of the Codex Justinianeus. Also frequently referred to as simply corpus juris.

Correction. Punishment by one having authority over the one punished.

Corroborate. To support. To confirm. To strengthen or fortify, in reference to evidence. Auxiliary evidence, is said to corroborate that which has gone before.

Corruption of blood. Destruction of the inheritable quality of the blood. The effect of attainder. A condition by which one is deprived of the right to inherit, hold, or transmit property. If a noble, he and all his posterity are rendered base and ignoble. The U. S. Constitution confines corruption of blood for treason to life of person attainted. Being deprived of civil rights by reason of commission of crime. Similar to attainder.

Corsned. The morsel of execration; the mouthful of execration. Ordeal bread among the Saxons. It was cursed or blessed by a priest and an accused compelled to swallow it. If it choked him he was guilty, otherwise he was innocent.

Co-servant. Same as fellow servant. One working with and in the same line of employment as another.

Cost. All which is paid for an article up to the time it is sold.

Cost, actual. The actual price as distinguished from the market price.

Cost price. The price paid for a thing when bought.

Costs. The expenses of litigation allowed by law to the successful party in a suit. Costs were allowed as costs by Common Law, but before Statute of Gloucester

Digitized by Google

(6 Edw. I. cap. I.), were included in damages obtained or taxed by the justices in Eyre. After Statute of Gloucester, juries taxed the costs and judges sometimes allowed additional costs, termed costs de incremento.

Costs, double. A double sum for costs by way of penalty. In U. S. double costs vary. In some States common costs and one-half more; in other States double the single costs. At one time in England common costs and one-half more.

Costs, treble. In U. S. in some States common costs and three-fourths more; in others three times the single costs. At one time in England common costs and a half and quarter.

Couchant. Lying down.

Couchant and levant. Lying down and rising up; applied to animals which trespass on land for one night or more.

Council. An advisory or administrative board in some states. The legislative body in some municipalities.

Council of the North. A court established by Henry VIII. in 1537 to dispense justice in the northern counties of England. Because of its harshness it was abolished by the same act which did away with the Star Chamber.

Counsel. A pleader. A counsellor. An advocate. Advice. Purpose. Design, information.

Counsellor. A lawyer. An officer of a court whose occupation is giving advice and pleading the causes of others in a court of justice. Term not distinguished in U. S. from that of attorney. Corresponds to barrister in English usage.

Counsellor-at-law. An attorney-at-law. There is no difference between an attorney-at-law and a counsellor-at-law except in a few states which make such distinction. In U. S. Supreme Court there is no distinction.

Count. A brief statement of plaintiff's case in court at common law. One distinct statement of a cause of action of which there might be several slightly different to avoid a variance in the proof. A particular charge in an indictment. A title of nobility.

Counter-Claim. A cross-demand existing in favor of defendant and against the plaintiff; if proved it reduces plaintiff's claim by so much.

Counterfeit. That which is falsely and fraudulently made in imitation or semblance of something genuine.

Country, God and my. Answer of an accused when arraigned at Common Law and asked how he would be tried.

Country, puts himself upon the. Submits to the verdict of a jury. The conclusion of the defendant in certain pleas when he desires the issue he raises tried.

Counts, common. Statements of a cause of action framed in different forms so as to agree with possible variation in the proof.

Digitized by Google

Counts, money. Common counts for money had and received, paid, lent, or due.

Counts, special. Counts stating the particular facts relating to the case.

County, Shire. A portion or circuit of the whole territory into which a state or nation is divided for the more convenient administration of justice and other public affairs.

County seat. The town or city of a county in which the county officials are located and county courts are held.

Coup d'etat (Kö dā-tā'). Literally a stroke of state. A stroke of policy in public affairs. An extraordinary and sudden measure taken by a government or a clique, to change or alter by violence or intrigue the form or method of government.

Coupled. Connected or associated together. Connected with. Annexed to.

Coupled with an interest. See interest, coupled with an.

Coupon. A certificate representing interest due at a time certain attached to a bond, to be cut off and presented for payment when due. A detachable part of a ticket or instrument in writing representing something connected therewith. 43 Me. 232.

Cour de Cassation. The Court of Cassation. In French law the supreme judicial tribunal and court of final resort in France; established in 1790 under the name of the Tribunal de Cassation. It received its present name in 1804.

Course of business. The usual custom in business or a particular line of business.

Court. The place. A place where justice is administered in accordance with legal forms and principles. The judge and jury when court is in session. Also means the judge or judges alone as distinguished from the jury.

Court, Appellate. A court having jurisdiction to hear causes on appeal and writ of error.

Court, Baron. A court which was an incident to every manor, of which the freeholders were the judges.

Court, Bas. An inferior court not of record, as a Court Baron.

Court below. One from which an appeal is taken or to which a writ of error is directed.

Court, Central Criminal. The English court which superseded the "Old Bailey."

Court, Circuit. One having sessions at different places within a certain circuit. Also the name of the County Court in Michigan.

Court, Circuit of the United States. Originally held by one of the justices of the Supreme Court on circuit, but now by a circuit judge with whom a Supreme Court justice sits. Its jurisdiction is fixed by statute.

Court, Civil. One which has jurisdiction of civil causes as distinguished from criminal.

Digitized by Google

Court, County. A court which among the Saxons was presided over by an alderman or earl and a bishop; one judged by the Common, the other by Ecclesiastical law. Subsequently it became a sheriff's court. More recently, in England, a court for the trial of small causes. In the U. S. it is a statutory court, the duties of which are different in different states. In some cases it has criminal and appellate jurisdiction.

Court, Criminal. One with jurisdiction to hear and determine criminal charges.

Court, Customary. A court baron which heard matters relating to customary tenants and copyholders; the lord or his steward was the judge.

Court, District. A court of original jurisdiction in several of the U. S. having territorial jurisdiction within a defined district. Matters of which it has jurisdiction within the extent of its district are fixed by statute.

Court, District of United States. Inferior Federal court having civil, criminal, admiralty or prize jurisdiction and presided over by a Federal judge.

Court, divided. A court in which there are judges who do not agree with the decision rendered by the majority. An opinion which is not unanimous, is said to have been given by a divided court, as a majority of the judges only is necessary to a decision.

Court, Ecclesiastical. English Courts held to determine matters that concerned religious doctrine and special matters of which they were given cognizance.

Court for the correction of errors. A court for the correction of errors of law and equity. The name of an appellate court as formerly constituted in some states.

Court, General. The court or assembly of the public. A legislature. The name of the legislature of New Hampshire and Massachusetts.

Court hand. The style of handwriting in which records were recorded in England from an early period.

Court, High Commission. An Ecclesiastical court of extensive jurisdiction established during reign of Elizabeth and abolished during reign of Charles I.

Court, House of Lords. The Supreme Court of England, having appellate jurisdiction over common law courts and chancery, now over Court of Appeal. Original jurisdiction in impeachment only. The Lord High Chancellor is the presiding judge.

Court of Impeachment. A court organized and authorized to try charges against a public officer.

Court, Judicial Committee of the Privy Council. A Committee in England having jurisdiction over certain colonial causes, and ap-

Digitized by Google

pellate from the Courts of Admiralty and Commissioners of Lunacy.

Court, Justiciary. The highest criminal court of Scotland.

Court, King's. A body composed of men of importance anciently attendant on the King of England. It was the successor of the Aula Regis. It had the jurisdiction and also appellate jurisdiction from Popular Courts. In 12th century another King's Court was created with five judges. In 1179 the justiciars went on circuit, also sat in presence of the King as the Bench. The first and larger King's Court had appellate jurisdiction over smaller King's Court. From the first came the Privy Council, from the second, the King's Bench.

Court, Leet. An ancient English court of record held once a year within a particular hundred or manor, before the steward for the trial of minor offences, and the transaction of manorial business.

Court, Lord Mayor's. The highest court of record in London with law and equity jurisdiction over personal and mixed actions within the city without limit as to the amount. Theoretically the Mayor presides, but in reality the Recorder is the judge.

Court, Magistrate's. A local court in some U. S. cities for the trial of small causes. Same as justice of the peace.

Court, Marine. A New York city court having, among other matters, jurisdiction over claims for services at sea.

Court, Maritime. A court of Admiralty.

Court, Market. An ancient court in the market for the trial of misdemeanors committed in the market.

Court-Martial. A judicial tribunal created by statute for punishment of soldiers, according to what is termed the law military, or martial law. They are provided for by federal statutes, and by state statutes for the regulation of the militia.

Court-martial. To try by court-martial.

Court, Municipal. A city court.

Court Nisi Prius. An ordinary court for the trial of civil cases by a jury of the county and a single judge. The name of a former Philadelphia court.

Court not of record. Originally, a court which did not have jurisdiction above forty shillings and did not enroll its proceedings nor proceed according to the Common law. One that does not keep a formal record, though this is not the only distinction, and aside from statute it is difficult to decide what are and what are not courts of record.

Court of Appeals. In the United States an appellate court, the jurisdiction of which differs in different States.

Court of Appeals in cases of capture. A court having appellate jurisdiction in prize cases, established by the Confederate Con-

Digitized by Google

gress prior to the adoption of the U. S. Constitution.

Court of Appeals of U. S. Circuit. A Federal court of appellate jurisdiction next below Supreme Court. Its jurisdiction is fixed by statute. Created March 3, 1891.

Court of Chancery. In England, the court of the Lord High Chancellor. Its ordinary jurisdiction consisted in issuing royal writs. Its extraordinary jurisdiction was what is known as equity.

Court of Chivalry, or **Military Court.** An ancient English court presided over by the Lord High Constable and the Earl Marshal, which determined civil matters relating to war and deeds of arms for which the common law had not provided.

Court of Claims. A court for the consideration and determination of claims against the U. S. Government.

Court of Common Pleas. (Communis Bancus.) Derived from old King's Bench. It had exclusive jurisdiction of real actions and universal, and for a time exclusive, jurisdiction of personal actions between subjects. It was composed of four puisne and one chief justice. In modern times, a Common law court of record, having original jurisdiction of matters civil and criminal. Generally of statutory jurisdiction.

Court of Consistory. An ecclesiastical court held by each bishop with appeal to the archbishop.

Court of Construction. A court which is called upon to construe a will, as distinguished from one which merely to decide whether it be valid or not, as a Probate Court.

Court of County Commissioners. A court of record held in Alabama counties composed of the Probate judge and four commissioners.

Court of Equity. A court having jurisdiction to exercise equity powers as distinguished from a court of law. Equity powers are such only as cannot be exercised by a court of law. Strictly a court of equity has no jurisdiction of any matter in which a remedy can be obtained in a court of law.

Court of Error. The court of Exchequer Chamber and House of Lords. A court having appellate jurisdiction in law, equity or admiralty.

Court of Errors and Appeals. The highest appellate court in New Jersey.

Court of Exchequer. In England, originally the royal treasury, to keep accounts, collect revenues, etc. Afterwards had two sides; receipt side, which managed revenues, and plea side, which was the court or judicial part. It had equity and common law jurisdiction until 1842, after which its equity jurisdiction was given to Court of Chancery.

Court of Exchequer Chamber. An intermediate Court of Appeal between Superior Courts of Com-

Digitized by Google

mon law and House of Lords. When on appeal from one court, judges of the other two courts sit.

Court of First Instance. Court of primary jurisdiction.

Court of General Jurisdiction. One having jurisdiction to hear and determine various causes, both civil and criminal.

Court of General Sessions. A court of general criminal jurisdiction.

Court of Green Cloth. A court within the King's (or Queen's) household having charge of the King's Court and keeping the peace therein. It was held in the counting house, at a board covered with green cloth, from which it takes its name.

Court of High Commission. An ecclesiastical and admiralty court of appellate jurisdiction established under Henry VIII.

Court of Hustings. A court held in London before the mayor and aldermen and having jurisdiction of pleas of lands within that city. A court of local jurisdiction peculiar to some Virginia cities.

Court of King's, or **Queen's Bench.** It in theory followed by the King's person; in face sat at Westminster. It was the highest court of Common law in England. It had four puisne and one chief justice and took cognizance of criminal cases on Crown side and civil cases on plea side.

Court of Ordinary. In some of the United States a court having jurisdiction of probate matters.

Court of Oyer and Terminer. An English court of two or more judges of assize held twice a year in each county to hear and determine criminal causes. In United States, a state court of criminal jurisdiction, or a criminal branch of a court of general jurisdiction.

Court of Piepowders, or **Piepoudre.** A summary court of record anciently held at fairs to do justice between buyer and seller.

Court of Quarter Sessions. A court held quarterly. An inferior criminal court held four times a year in each county.

Court of Record. A court which enrolls or records its proceedings. In England, one that has power to fine and imprison. But see, Court not of Record.

Court of Review. One whose principal function is passing upon final decisions of other courts.

Court of Sessions. Courts of criminal jurisdiction in several of the United States.

Court of Star Chamber. A tyrannical English tribunal which usurped jurisdiction and created offences and punishments not known to any statute of the common law. It consisted of several lords and two common law judges, and acted without a jury. It had statutory jurisdiction which was limited by stat. 3 Henry VII, c. 1., to matters therein specified. It was abolished in 1640.

Digitized by Google

Court of the General Quarter Sessions of the Peace. A criminal court in New Jersey. A county criminal court in England.

Court, Open. One in session. One open to orderly spectators.

Court, Orphans'. A court having jurisdiction over the estates of deceased persons and the guardianship of orphans. See Probate Court.

Court, Police. A city court for the trial of small offences.

Court, Prerogative. Originally in England, an ecclesiastical court having cognizance of all testamentary causes. In New Jersey, a court held by the chancellor sitting as ordinary to determine appeals from the Orphan's Court.

Court, Probate. A court having jurisdiction of the proof of wills, of guardianship, and the settlement of estates.

Court, Registers. A Pennsylvania court with probate jurisdiction.

Court, Superior. A court in some of the United States between the inferior and Supreme Courts, the jurisdiction of which is fixed by statute.

Court, Supreme. In some States of the United States, the court of last resort.

Court, Supreme of Judicature. In England, a consolidation of the High Court of Chancery, King's Bench, Common Pleas, Exchequer, High Court of Admiralty, Court of Probate and Divorce Court.

Court, Supreme of the United States. Court of last resort in Federal matters.

Court, Surrogate. An Orphans' or Probate Court.

Courtesy of England. See Courtesy.

Courts, Appellate. In U. S. Bankrupt law of 1898, means Circuit Court of Appeals, the Supreme Courts of the Territories, and the Supreme Court of the U. S.

Courts, Consular. The Courts held in a foreign country by the consul of another country stationed there, for the trial of causes to which citizens of the same country as the consul are parties.

Courts, Inferior. Those from which an appeal may be taken or to which a writ of error may be directed.

Courts, Local. Courts whose jurisdiction is confined to certain territory. In the United States, the State, as distinguished from the Federal Courts.

Courts, Naval. Courts held to enquire into naval matters. A board in the English navy authorized to enquire into various matters relating to the conduct of officers and sailors.

Courts of Bankruptcy. In the United States, under the Act of Congress, approved July 1st, 1898, the District courts of the U. S. in the several States, the Supreme Court of the District

Digitized by Google

of Columbia, the District courts of the several territories, and the United States Courts in the Indian territory and the District of Alaska. Their jurisdiction is specified in the act above mentioned.

Courts of the United States. The courts established by the Constitution and by Congress. These comprise the Senate, when sitting as a court of impeachment; the Supreme Court; the Circuit Court of Appeals; the Circuit Courts; District Courts; Court of Claims, and the Legislative Courts in the Territories and District of Columbia.

Courts, Stannery. Courts in Devonshire and Cornwall, England, for the administration of justice among the tin miners. They were courts of record and were held before the Lord Warden by virtue of various acts and grants of Parliament.

Courts, Superior of Common Law. In England, King's Bench, Common Pleas, Exchequer.

Courts, Superior of Equity. In England, Court of Chancery; Master of the Rolls; three Vice-Chancellor's Courts; two courts of Lord Justices of Appeal; Court of Appeal in Chancery.

Couverture. In French law, a deposit placed with a broker to indemnify the broker against possible loss in making purchases for his principal.

Covenant. A mutual agreement made by deed, signed, sealed and delivered, or inferred by law from certain words. A form of express contract contained in a deed, to do a direct act, or to omit one. The word covenant need not be used to create one.

Covenant, absolute. An unconditional covenant.

Covenant, affirmative. A covenant which requires something to be done.

Covenant against incumbrances. A covenant that there are no incumbrances upon an estate.

Covenant, alternative. A covenant reserving the right of electing which of certain things to do.

Covenant, collateral. One relating to a conveyance, but not directly connected with it.

Covenant, disjunctive. One which allows an election as to the performance of one or more things.

Covenant for further assurance. A covenant by a seller of real estate to perform all other or future acts which may be necessary to perfect the title to the land granted.

Covenant of quiet enjoyment. A covenant that the grantee or lessee shall be allowed to enjoy the land without interruption.

Covenant of right to convey. An assurance that the covenantor has title and right to convey the land in question.

Covenant of seisin. An assurance by the covenantor that he has the estate he pretends to convey.

Covenant of warranty. A covenant that the grantor and his heirs

Digitized by Google

will warrant and defend and if necessary make good the title granted.

Covenant, personal. A covenant to be performed in person or where some particular person is to have the benefit. One which binds the covenator personally and is not binding upon the real estate.

Covenant, real. A covenant by which one agrees to convey real property. A covenant which binds the heirs. A covenant which runs with the land.

Covenant running with land, or **Real Covenant.** A covenant which is so annexed to land that it cannot be separated by a transfer of the title. A covenant that each succeeding assignee or heir is bound to observe or is entitled to the benefit of. One that binds each successive owner of the property to which it attaches.

Covenant to convey. An agreement under seal to convey a certain estate on certain conditions.

Covenant to stand seized to uses. A covenant by which a man bound himself and his heirs to stand seized of certain lands to the use of another or others.

Covenant, transitive. Covenant which passes to the representatives of the covenantor.

Covenants for title. Covenants which guarantee complete title and full uninterrupted enjoyment of the estate conveyed. Covenants of seizing, a right to convey, for further assurance, of quiet enjoyment, of warranty, and against incumbrances.

Coventry Act. Stat. 22 and 23 Car. 11, c. 1, providing for the punishment of assaults with intent to disfigure or maim. The act was passed because of an assault upon Sir John Coventry. Now superseded by acts punishing mayhem.

Covert. Under cover.

Covert baron, or **covert feme.** A married woman. A woman under the authority or protection of a husband.

Coverture. Marriage as a status. A state of being covered or protected. Formerly that condition of a woman wherein her existence was suspended and incorporated in that of her husband.

Covin. A kind of conspiracy between two or more persons to defraud and prejudice another of his rights.

Crassa neglegentia. Great or gross negligence. The want of that care which every man of common sense, under the circumstances, takes of his own property.

Crave. Beseech; request; demand.

Create. To bring into existence. To make something which never existed before.

Credentials. The papers or letters which introduce the representative of one country to another and define the capacity in which he comes. A certificate showing one entitled to the authority claimed by him.

Digitized by Google

Credible witness. One worthy of belief.

Credibility. Condition of being worthy of belief or competent to be heard as a witness. Trustworthy.

Credit. Confidence or trust in one's ability to meet obligations. The condition of being trusted. That which is due a person, as distinguished from what he owes.

Credit, Mobilier. An institution incorporated in France, in 1852, to carry on financial enterprises. A company incorporated in Pennsylvania which undertook the construction of the Union Pacific Railroad in 1863, and failed amid scandal.

Creditor. One who has a money claim against another. The person to whom a debt is owing. In U. S. Bankrupt law of 1898, anyone, or his agent, attorney, or proxy, who owns a demand or claim provable in bankruptcy.

Creditor's bill. A bill in equity by creditors seeking to apply equitable interests of a debtor to the payment of his obligations.

Creditor, judgment. One who has obtained a judgment against his debtor.

Creditor, junior. A subsequent creditor to another. One whose lien is subject to that of another.

Creditor, preferred. A creditor entitled to be paid before others.

Creditor, secured. One whose debt is secured by a lien on property or some form of security.

Credits. All which is due one as distinguished from that which is due from him. All claims and demands due a person over and above what he owes.

Crier. To proclaim; to make proclamation. An officer of a court whose duty it is to make proclamations, call parties, jurors and witnesses, and to perform similar services.

Crim. con. An abbreviation of criminal conversation.

Crime. A violation of law which subjects the doer to punishment. An act or omission forbidden by law under pain of fine, imprisonment, or other more serious punishment. Crimes signifying the more weighty offences, misdemeanors, the lesser ones. 4 Bl. Com. 5.

Crime against nature. Sodomy or buggery.

Crime at Common Law. One which was an offence at Common Law.

Crime, infamous. One which renders one convicted of it infamous. A crime to which infamous punishment is affixed.

Crime, statutory. An act made a crime by statute.

Crimen. A crime; a fault. A charge or accusation.

Crimen falsi. The crime of falsifying. Applies to any crime involving falsifying or deception, forgery, counterfeiting, perjury, and the like.

Crimen furti. The crime of theft.

Digitized by Google

Crimen incendii. The crime of burning. It included arson, also the burning of a man, beast, or other chattel.

Crimen innominatum. The nameless crime; sodomy.

Crimen raptus. Rape.

Criminal. One guilty of crime. Relating to crime or the administration of criminal law.

Criminal act. A crime.

Criminal action. Prosecutions by indictment or information, of one accused of a criminal offence. Also same as Criminal Act.

Criminal cases. Prosecution for violation of penal statutes.

Criminal conversation. Adultery. The style of an action for damages by the husband for the debauching or seduction of his wife.

Criminal information. An accusation of a criminal offence presented by a prosecuting officer on oath. It brings the accused to trial without the intervention of a grand jury.

Criminal lawyer. One who devotes his attention to the practice of criminal law, that is, prosecuting or defending those accused of crime.

Criminal prosecution. A proceeding for the purpose of determining the guilt or innocence of one charged with a crime.

Criminaliter. Criminally. The term distinguishes criminal from civil liability, the latter being indicated by the word civiliter.

Criminate. To prove guilty of a crime.

Cross-action. An action brought by a defendant against the plaintiff who is suing him, for a cause arising out of the same controversy.

Cross-appeal. An appeal made by one party to a cause when the other party has also appealed.

Cross-claim. A claim by one against another who has previously asserted a claim. Same as cross-demand.

Cross-complaint. In California practice a complaint which a defendant is allowed to file with his answer if there be any relief he desires the court to afford him in and about the subject-matter of the plaintiff's suit.

Cross-examination. The examination of a witness by the party against whom he has been called to testify. By statute in some states parties may now be called for the purpose of cross-examination in the first instance.

Cruelty. A malicious act causing physical pain or reasonable fear of such pain.

Cruelty, extreme. Such cruelty as causes serious pain or reasonable fear that severe bodily harm will result therefrom. A ground of divorce in many states. It has been held to include many things aside from corporal or bodily harm.

Cruelty to animals. The causing of unnecessary pain to a dumb beast by abuse or neglect of the same.

Digitized by Google

Cruelty to children. The infliction of severe punishment, or neglecting to properly provide for them.

Cuckold. An ancient designation of the husband of an adulteress. A man whose wife is false to his bed. A man who knows his wife's infidelity and submits to it.

Cui licet quod magnus, non debet quod minus est non licere. He who has the right to perform the more important things, may not be denied the doing of the less important.

Cuicunque aliquis quid concedit, concedere videtur et id sine quo res ipsa esse non potuit. When a grant is made to anyone, it includes in the grant those things without which the thing granted could not exist. That is, a grant includes the incidentals, and necessary adjuncts, without express mention in the words of the grant.

Cuilibet in sua arte perito est credendum. One skilled in his own art is worthy of belief. A maxim admitting the opinions of experts as to matters within their particular knowledge.

Cujus est dore, ejus est disponere. Who so has the right to give, his is the right to dispose; that is, he who grants may limit or qualify the grant.

Cujus est solum, ejus est usque ad coelum et ad inferos. He who owns land, owns to the sky and center of the earth. A legal maxim as to the extent of ownership in land. But by special grant one may own the surface, and another the mineral wealth under the service.

Culpable. Blameworthy; wrongful; censurable; criminal.

Culprit. A mild term imputing crime. An accused; a legal teste to denote a person who is accused of a crime, or is supposed to be guilty of a crime. See 4 Bl. Com. 339.

Cum copula. With connection.

Cum onere. With a burden or incumbrance. Subject to claims.

Cum testamento annexo. With the will annexed. Applied to an administrator appointed by a court, who is to administer an estate according to the terms of testator's will.

Cumulative. Additional. Of the same kind. Cumulative evidence, means evidence of the same kind to the same point.

Cur. adv. vult. An abbreviation of Curia advisare vult—the court wishes to deliberate; or the court will be advised.

Cured by verdict. Put in a condition where it cannot be objected to. Applied to a defect which could have been objected to in pleading, but which cannot be after verdict.

Curfew. Cover fire. A bell which was rung at eight o'clock in the evening in the time of William the Conqueror, by which every one was commanded to cover over his fire, put out his light, and retire to rest. The origin

Digitized by Google

of the regulation is said to have been to prevent meetings of Saxons to plot against the Normans. (Abolished by Henry I.). In Scotland the bell was at one time rung at nine o'clock, at another time at ten o'clock. In modern time applied to the ringing of a bell or blowing of a whistle when it is time by municipal ordinance for children under certain ages to be off the streets.

Curia. A court; the place or household of a sovereign; the residence of a nobleman; a manor; a lord's court, as being held in his manor; a judicial tribunal or court held in the sovereign's palace; the civil or secular power as distinguished from the church.

Curia advisare vult. See Cur. adv. vult, ante.

Curia Regis. The King's Court. The supreme court of judicature of the kingdom, established by the Normans. An ancient name of Parliament. The King's council, composed of earls, barons and the great men of the realm.

Current. Existing at the present time. Applied to money means lawful money.

Cursus curæ est lex curæ. The practice of the court in the law of the court.

Curtesy. An estate to which a man is entitled, on the death of his wife, in the lands or tenements of which she was seized in fee-simple or fee-tail, during the marriage, provided he had issue by her, born alive during the marriage, and capable of inheriting her estate. Same as Courtesy of England. In many of the states of the U. S. courtesy is now abolished and husband and wife are given by statute reciprocal rights in each other's property on the death of either.

Curtesy, initiate. See Initiate Curtesy.

Curtilage. A garden, yard, courtyard or piece of ground about a dwelling and the out-buildings, necessary for the convenient occupation of the house, as distinguished from ground lying in open fields.

Custody. In a sentence means imprisonment; control of; detention; the duty of keeping guard; wardship or guardianship.

Custody of the law. In custody by virtue of a legal process.

Custom. A usage which by long acquiescence has become a rule or law. A duty payable by a vendor or importer.

Custom, general. That which is general to the whole country.

Custom of merchants. A system of customs or rules relative to bills of exchange, partnership, and all other mercantile matters. Law Merchant.

Customary. According to custom; established by custom; held by custom. A written or printed statement of laws and customs.

Digitized by Google

Customs. Taxes on imports and exports.

Customs Union. A union of several nations for imposing and collecting custom duties in common.

Cy pres. As near; as near as; as near as can be. The power of the English Chancellor to apply a charity to objects different from those intended by the donor. The power of an Equity court to substitute for a particular charity which has failed, another of the same kind (cy pres) as nearly as may be. The doctrine of interpreting written instruments so as to carry out the intention of the makers as nearly as possible if the rules of law will permit.

D.

D. The fourth letter of the alphabet.

D. C. L. Doctor of Civil (or Canon) law.

D. D. Divinitatis Doctor—Doctor of Divinity. Also, Dono dedit, has presented or given.

Damage. Injury; loss; deprivation.

Damages. Any injury to a person or his estate. The amount claimed or recompense for an injury.

Damages, actual. Damage for actual loss or injury.

Damages, civil. Damages for injuries to one's civil rights, or rights as a member of a family.

Damages, compensatory. Damages which compensate for the actual loss.

Damages, constructive. Such as are implied in law.

Damages, contingent. Contemplated damages from an event which may or may not happen.

Damages, continuing. Damages which result from and continue during a continuing act.

Damages, consequential. Damages which are the indirect consequences of an act, usually through the agency of a second act.

Damages, double. Damages with an increase made by the court.

Damages, exemplary. Damages given by way of punishment for fraud, malice, or oppression.

Damages, nominal. A small sum awarded, where technical wrong has been done, but no loss or injury sustained.

Damages, remote. Damages which indirectly result from an act through agencies far removed from the first act.

Damages, speculative. Prospective damages, where there is more than a faint doubt as to an injury being sustained.

Damages, substantial. Compensatory damages. (Opposed to nominal.)

Damages, unliquidated. Damages not fixed either by the parties or by the court.

Digitized by Google

Damnosa Hereditas. An onerous inheritance. One where the liabilities exceed the assets.

Damnum. Damage, loss, hurt, injury.

Damnum absque injuria. A loss without wrong (hence without redress). A damage which is not actionable at law; a loss arising from an act other than one tortious, and for which no damages can be obtained.

Damnum fatale. A loss by fatality. In Civil law, a loss beyond human control; or by inevitable accident.

Damnum injuriosum. Injurious damage; unlawful damage. A loss or damage for which an action lies.

Damnum sine injuria. A damage or loss without wrong. Damage without legal wrong.

Dampner a la mort. To condemn to death.

Danegeld. A tribute of one shilling laid upon every hide of land in England, and paid to the Danes. A tax to maintain a force to drive Danish pirates from British seas. It existed as a right of the English crown to the time of Stephen.

Danelage. Dane custom or law; the law of the Danes by which they governed part of England.

Dangerous. That which is likely to cause great injury or death.

Darrein continuance. The last continuance.

Darrein presentment. The last presentment. An ancient writ allowed when a stranger deforced the patron in the presentation of a clerk to a void benefice, directing the sheriff to summon a jury to determine who was the last patron.

Dartmouth College case. A leading case in corporation law, that of Dartmouth College vs. Woodward, 4 Wheaton, 518, decided by the United States Supreme Court, and involving the right of a court to revoke a charter granted a corporation.

Data, or date. The date, the day when given. The time given or specified. The date of a writ, called in modern practice the teste; the time when it was issued.

Date, false. One intentionally false.

Datio contrahendi animo. A transfer to create an obligation or receive an equivalent.

Datio in solutum. A giving in payment. A giving in satisfaction.

Datio solvendi animo. A transfer to discharge a debt.

Day. The time between the rising and setting of the sun, called artificial day; the time from noon to noon or from midnight to midnight, called the natural day; twenty-four hours, beginning and ending at midnight, called the civil day. The period a face can be distinguished without artificial or moon light, before which breaking and entering is not burglary. A given number of days are customarily reckoned, by excluding the first and

Digitized by Google

including the last; that is, ten days from the 1st of the month would include all of the eleventh day.

Day book. A daily memorandum; a merchant's book in which accounts of the day are entered.

Day in court. The right to be heard in court. The day on which a person is heard in his own behalf.

Day, solar. From the rising to the setting of the sun.

Day, without. Indefinite. See **Sine Die.**

Daylight. The light of day, as distinguished from night and twilight.

Daytime. That part of a natural day during which a man's features can be recognized without the aid of artificial light or moonlight. From sun up to sun down.

Days of grace. Time allowed in addition to that stated, in which to pay a note or bill. The time allowed within which to pay a note, bill or insurance premium after it is due. So called from the fact that they were first allowed as a matter of favor; they are now abolished in many jurisdictions by statute.

Day's work. The work of one day. Work payable by the day, not by the entire job.

De. In the titles of statutes, writs, and the general formula of court proceedings, the most prevalent and frequent occurring signification of de is: Of, from, about, concerning, respecting in relation to. The first word in many Latin phrases used in law.

De admensuratione dotis. A writ of admeasurement of dower.

De ætate probanda. For proving age. A writ to summon a jury to enquire whether or not the heir to an estate be of age.

De alto et basso. Of high and low. An expression used in ancient times to express the absolute submission of all differences, high and low, to arbitration.

De advisamento et consensu consilii nostri concessimus. By the advice and consent of our council we have granted or conceded. The common form of the King's grants.

De banco. Of the bench. A term applied to the justices of the Court of Common Pleas or Bench.

De bene esse. Provisionally. Of well being. To be of good form. Of good precaution; of contingent or possible utility or effect; of conditional or permissive validity; to pass as a matter of form; to be allowed as of present formal sufficiency, with reference to some matter or question in the future; to be valid for the present, but subject to some further future proceeding, etc. The testimony of a witness **de bene esse** is taken subject to the contingency of his being able to attend court at the trial. A jury may render a verdict subject to the opinion of the court, and this strictly is a proceeding de bene esse.

Digitized by Google

De bonis asportatis. For goods taken away; for carrying away goods. The technical term for the action of trespass for wrongfully taking and carrying away personal property.

De bonis non. Abbreviation of de bonis non administratis. Of the goods not yet administered.

De bonis non administratis. Of the goods unadministered. Where an administrator dies or is removed before the administration is completed and a new one is appointed, the latter is termed an administrator **de bonis non.**

De bonis testatoris, or **intestati.** Of the goods of the testator or intestate. A judgment against the estate of a deceased as distinguished from one against the executor or administrator personally.

De bonis testatoris ac si. From the goods of the testator if he have any, and if not from those of the executor. The form of a judgment when an executor is to be responsible in case the testator's estate is not sufficient, or where the executor pleads falsely on any matter as a release.

De bono et malo. For good and evil. A former phrase by which a party accused of crime put himself upon a jury for trial. It was also the name of a special writ.

De certificando. A writ for certifying.

De claro die. By daylight.

De consilio. Of counsel. Concerning advice to commit an offense.

De corpore comitatus. From the body of the county as distinguish from a particular locality.

De coste. From or on the side collateral.

De cursu. Of course; as a matter of course.

De debitore in partes secundo. Of cutting a debtor in pieces. In Roman law, a law of the twelve tables of uncertain meaning. Some contend that it permitted the actual cutting of a debtor to pieces by his creditors or others, that it merely meant the division of his estate.

De donis. In relation to gifts or grants. The title of statute. Westm. II., 13 Edw. I., c. 1.

De donis conditionalibus. Concerning conditional gifts. The title of the first chapter of the statute commonly called "Statute de Donis." This statute introduced perpetuities and entails into English law.

De dono malo. Of or based upon fraud.

De facto. Of fact; from; arising out of, or founded on fact; in fact; in point of fact; in deed, actually, really. Of fact or act, actually, but without right, as distinguished from **de jure,** of right.

De fragentibus prisonam. Concerning those that break prison. Stat. 1, Edw. II., proving that thereafter prison breaking should not be punished with loss of life or limb.

De gestu et fama. Of behavior and reputation. An ancient writ

Digitized by Google

in cases of impeachment of a person's conduct and reputation.

De homine replegiando. For replevying a man. A writ to replevy a man out of prison or out of restraint on giving security to the sheriff for his appearance when wanted to answer a charge.

De injuria. Of wrong. Technical words used in a replication in an action of tort, enabling the plaintiff to deny the effect of matters of excuse offered by the defendant.

De judicato solvendo. For payment of the amount adjudged. In Admiralty law, applied to bail to the action, or special bail.

De judiciis. Of judicial proceedings. In the Civil law, the title of the second part, including the fifth to the eleventh books inclusive of the Digests.

De jure. Of right; of the right by law; growing out of right; rightful; lawful. By or at law, according to law; as distinguished from **de facto**, which may be accepted, but is not rightful.

De jure immunitatis. In respect to the right of exemption from public duties, obligations, etc.

De jure maris. Of the law of the sea.

De jure maris, et branchiorum ejusdem. Of the law of the sea, and the branches of the same.

De jure maritimo. Of or concerning maritime law.

De jure naturæ. Of the law of nature; by the law of nature.

De la plus belle. Of the fairest. A species of dower, so called because she was given the fairest or best portion. Jacob.

De lunatico inquirendo. For inquiring about a lunatic or lunacy. A former commission to enquire into the condition of a person's mind, and whether the party be a lunatic or not.

De malo villæ. Of illness in a town. An excuse made by a party who had appeared in court.

De medietate linguæ. Of half tongue. An ancient jury, half of one language, and half of another, or half denizens and half aliens.

De melioribus damnis. Of better (greater) damages. The election by a plaintiff against which of several defendants he will take judgment where the damages have been separately assessed.

De mercatoribus. Of merchants or traders; relating to merchants.

De minibus non curat lex. The law does not concern itself about trifles. See Broom. Max. 142.

De modo decimandi. Of a modus of tithing. Applied to a prescription to have a special manner of tithing.

De non apparentibus et non existentibus eadem est ratio. As regards things which do not appear and things which do not exist, the reasoning is the same.

Digitized by Google

A legal maxim meaning that things which are not stated are deemed not to exist.

De novo. Anew; from the first; a retrial.

De odia et atia. Of hatred and ill-will.

De officio. Of office. Officially. In the discharge of official duty.

De pace et plagis fracta contra pacem. Of (breach) of the peace and for wounds inflicted against the peace. An old criminal appeal which lay in cases of assault, wounding and breach of the peace.

De pœnis. Of penalties, punishment. A title in the Civil law.

De quota litis. For or concerning a proportional part of the suit. A contract in respect to a claim difficult to recover, to give a part, for services in recovering the whole.

De rapto virginum. Of the ravishment of virgins. An old appeal in cases of rape.

De retorno habendo. For having a return. Applied to the judgment for the defendant in an action of replevin, awarding him a return of the property replevined; and to the writ issued thereon. Also to the pledges to return.

De son tort, executor. Of his own wrong. An executor **de son tort** is one who has acted in the capacity of an executor without authority.

De statuto. Founded upon statute. Applied to writs.

De tallagio non concedendo. Of not granting talliage or subsidy. Stat. 34, Edw. I., st. 4.

De termino Hilarii. Of Hilary term. One of the four terms of the English Courts of Common Law; so called from the festival day (St. Hilary's day) which immediately preceded its commencement. It formerly began on the 23rd of January and ended on the 12th of February, but afterwards began on the 11th and ended on the 31st of January in each year.

De termino Paschæ. Of the term of Easter. One of the four terms of the English Courts of Common Law; so called from the festival day (Easter) which immediately preceded its commencement. It began on the 15th day of April and ended on the 8th day of May each year.

De termino Sancto Michaelis. Of term of St. Michael (Michaelmas Term). One of the four terms of the English Courts of Common Law; so called from the festival (St. Michael's day) which immediately preceded its commencement. It began on the 2nd and ended on the 25th day of November.

De termino Trinitatis. Of Trinity term. One of the four terms of the English Courts of Common Law; so called from the festival day (the Holy Trinity), which immediately preceded its commencement. It began on the 22nd day of May and ended on the 12th day of June.

De testamentis. Of testaments. A Title of the Digest.

Digitized by Google

De ultra mare or **De transmare.** Of or beyond the sea. A place that the party was detained in parts beyond the seas.

De una parte. Of one part or party; an act or contract of one as distinguished from inter partes.

De vicineto. From the neighborhood; vicinage.

Dead freight. The amount paid by a charterer for the part of a vessel which he does not use, after contracting for it.

Dead ground. In mining, ground through which work has to be done in order to reach ore.

Deadhead. One other than an employee allowed to travel on a public conveyance without paying fare. One allowed to send telegraph messages without paying toll.

Dead line. The line in military regulations across which a prisoner is not allowed to go without being fired upon.

Deadly feud. A term applied among the Saxons where a murderer did not make satisfaction and the murdered man's relatives took up the quarrel for revenge. It was sanctioned by law.

Dean. A term derived from the Latin words Decanus and Decem, and the old French deien. Originally a Roman Catholic ecclesiastic presiding over ten canons or prebendaries. The head of a capitulum or chapter, which, with the dean, was the bishop's council. Originally a dean was chosen by the chapter with permission of the King and confirmed and installed by the bishop. After the time of Henry VIII. they were appointed by letters-patent without being elected or confirmed. The head of a theological, medical or law school. In Oxford and Cambridge University one who superintends the discipline. The head of any constituted body, who acts as its executive or organ. The presiding officer of a society of lawyers.

Deathbed. In Scotch law, sickness which ends in death; last sickness.

Death, civil. The deprivation of legal rights.

Death, natural. Cessation of life. Physical death as distinguished from civil death. Death from natural causes or disease and not from violence.

Death penalty. Capital punishment.

Death sentence. One directing the taking away of life.

Debar. To disbar.

Debauch. To entice or corrupt. To seduce. To have sexual intercourse with.

Debenture. A bond to pay a charge or sum due out of some particular fund or property. A bond of an English company. A Custom House certificate that an importer is entitled to a drawback. An acknowledgment of a debt. A government paying order. Debentures create an equitable rather than a legal right in their holder.

Digitized by Google

Debenture stock. An issue of a species of stock in order to borrow money, by a corporation for the payment of which all or a part of its property is liable.

Debet et detinet. He owes and detains. Words employed in an action of debt.

Debit. To set down as a debt. The amount so set down.

Debitum in presenti. A debt owing at the present time.

Debitum in præsenti, solvendum in futuro. A debt now, but payable in the future, that is, a present obligation which is not payable until a future time.

Debt. A sum of money due by express agreement or judgment. What one man owes to another.

Debt, active. One which bears interest.

Debt, antecedent. A prior debt. A debt entitled to payment before another.

Debt, bill of. A written acknowledgment of a debt, stating amount, place and date of payment.

Debt, book. A debt created by goods sold and delivered and work performed, evidenced by an entry in an original book.

Debt by simple contract. A debt based on a verbal or implied agreement, or one written but not under seal.

Debt by specialty. A card. A debt acknowledged by writing under seal.

Debt, floating. A debt due at different times and in different amounts.

Debt, funded. Outstanding debts converted into bonds.

Debt, future. In Scotch law, a debt which will not come due until a future day.

Debt, judgment. A debt established by a judgment.

Debt, passive. One not bearing interest.

Debt, preferred. One having priority of payment.

Debt, public. The debt of a nation, State, or political division.

Debtor-executor. One who is the executor or administrator of his deceased debtor.

Debtor, joint. One of two or more who owe a debt jointly.

Debts, mutual. Debts due by each of two persons to the other.

Decagram. In the Metric system, 0.353 ounces avoirdupois.

Decaliter. In the Metric system, a measure of capacity equal to 9.0 quarts dry or 2.64 gallons liquid measure.

Decameter. In Metric system, a measure of length equal to 3.937 inches.

Decapitation. Cutting off the head.

Decease. Death. To die.

Decedent. A dying person. A deceased person, testate or intestate.

Deceit. Arts used to deceive or defraud. An old common bench writ to recover land lost in a real action by default of the tenant, through collusion. An

Digitized by Google

original writ to recover damages for forgery, collusion or fraud.

Deceit, writ of. An original or judicial writ for one who was injured by deceit.

Decem tales. Ten such. When a full jury was not present at a trial a writ apponere decem tales is issued to make up a full jury.

Decennary. An English town or tithing consisting of ten families of freeholders.

Deception. Fraud, cheating, craft; collusion used to deceive and defraud others.

Decide. To come to a decision. To render judgment. To determine.

Decido. To decide; to determine. To fall to; to remain to; to escheat.

Decies tantum. Ten times as much. An early English writ against an embracer or a juror who took money for giving his verdict, to recover ten times the sum taken.

Decigram. In Metric system, 1.543 grains avoirdupois.

Deciliter. In Metric system, a measure of capacity equal to 6.122 cubic inches dry or 0.845 gills liquid measure.

Decima. The tenth part; tithe. A tithe, as a tax on landholders in provinces.

Decinatio. Decimation: the tenth.

Decimation. The punishing by lot, by the Romans, of every tenth soldier for any violation of duty.

Decimeter. In Metric system, a measure of length equal to 3.937 inches.

Decision. The determination of a question by judge or other person. The result of the deliberation of a tribunal. Judgment or decree.

Declarant. One who declares a thing affirmatively.

Declaration. A statement, allegation or assertion. That which is declared. A plaintiff's allegation of the facts which constitute his cause of action or demand. The formal pleading at old English law which followed the declaration were the defendant's answer, then the plaintiff's replication, then defendant's rejoinder, then plaintiff's surrejoinder, then defendant's rebutter, then plaintiff's surrebutter.

Declaration, dying. The declaration of one who is **in extremis** and who believes he will die; such declarations are admissible in evidence under certain circumstances.

Declaration, Mecklenburg. The draft of the Declaration of Independence of the American Colonies, made at western North Carolina, May 20th, 1775, and sent to the Continental Congress at Philadelphia.

Declaration of Independence. The public act or declaration of the Colonial Congress of the American Colonies of July 4th, 1776, setting forth the rights and grievances of the American colonies, and declaring their independence of Great Britain.

Digitized by Google

Declaration of intention. The declaration of an alien that he intends to become a citizen of the U. S.

Declaration of Paris. An agreement by the leading powers arrived at in the International Convention held at Paris in 1856, that they would adhere to certain rules in time of war. These were, a blockade must be effective to be binding; privateering will not be authorized; neutral flag protects any goods not contraband; neutral goods in enemy's ship will not be confiscated if not contraband.

Declaration of trust. A declaration in writing acknowledging a trust.

Declaration of war. A proclamation by a nation that war exists between itself and another nation.

Declaratory. Making clear. Explanatory. A declaratory statute is to explain the existing law rather than to prescribe a new one.

Declaratory decree. One which simply declares the rights of the parties without making any order.

Declaratory statement, soldier's. In the U. S. Public Land law, a declaration by a soldier or sailor that he intends to make homestead entry of a certain piece of land within six months.

Declaratory statutes. Those which declare the existing law.

Declare. To prepare, file and serve a declaration. To proclaim. To state before witness. To announce. To interpret. To define. To assert.

Decoration Day. The 30th of May, a Legal Holiday.

Decoy letter. A letter prepared and sent for the purpose of detecting those guilty of tampering with the U. S. mails.

Decree. A decision. The judgment or decision of a Court of Equity or Admiralty. The title of first division of the Canon law.

Decree, execution of. The carrying out of a decree.

Decree, final. A decree which terminates and finally disposes of a cause or action.

Decree, interlocutory. One which disposes of some plea or issue in a cause during the progress of the same, and does not decide the merits of the controversy.

Decree nisi. One which will be made absolute on motion unless some reason to prevent intervenes. In English law, a divorce decree not to take effect until after a stated period, during which time it may be questioned.

Decree pro confesso. One by default. A decree rendered when the defendant is in default, that the averments in bill in equity be taken as confessed, and the plaintiff be allowed to proceed ex parte.

Decrementum maris. Decrease of the sea; receding of the sea from the land.

Decreta. Decrees.

Digitized by Google

Decretal order. A Chancery order, in the nature of a decree, made on motion.

Decretales Gregorii Noni. Decretals of Gregory IX. A collection on Canon law, collated from the decretal rescripts, or epistles of the Popes, published by Pope Gregory IX., A. D. 1234.

Decretalis. A volume of the Canon law, containing the decrees of the Popes, or a digest of the canons. Letters of the Pope determining some question of Canon law.

Dedi, concessi, barganizavi et feoffavi. I have given, granted, bargained and enfeoffed. The operative words of conveyance in an ancient charter of feoffment, and deeds of gift and grant.

Dedi et concessi. I have given and granted. Aptest words to create a feoffment or grant.

Dedication. Setting apart private property for public use, and its acceptance by the proper authorities.

Dedimus et concessimus. We have given and granted. Words used in old grants where there were more than one grantor, or where the King made the grant.

Dedimus potestatem. We have given power or authority. A writ giving authority to perform some judicial or other act. A commission to take testimony.

Dedimus potestatem de attornato faciendo (recipiendo). We have given the power of making (receiving) an attorney. An authority without which a party before the Statute of Westminster II., 13 Edw. I., could not appear in court by attorney.

Deducere rem in judicium. To bring a matter into court; or make it the subject of judicial investigation.

Deduction. The act of taking away or subtracting. Inference. Conclusion.

Deduction for new. In marine insurance, an allowance to the insurers on the cost of repairing an injured vessel, on the theory that the part repaired with new material is better than the old was before the injury.

Deed. A contract in writing signed, sealed and delivered by the parties thereto. A writing under seal transferring real estate. An act. A thing done. A conveyance.

Deed, collateral. A deed made at the same time with another, with conditions which may change or defeat the estate conveyed by the original deed.

Deed de una parte. A deed wherein only one party grants or binds himself to perform.

Deed, indented. A deed executed in parts, as many copies as there are parties, and each part cut and indented on the top or side to correspond with the other; which deed, so made, is called an indenture. One in which the parties contract reciprocal obligations to each other.

Deed inter partes. A deed between parties. A deed in which each

Digitized by Google

of two or more make conveyances or enter into covenants.

Deed of bargain and sale. A real contract for the passing of lands for a valuable consideration. Anciently it was indented and rolled.

Deed of covenant. A separate deed containing covenants relating to land, made in order to keep them off the title of an estate, so they would not run with the land.

Deed of feoffment. The written evidence of a feoffment.

Deed of grant. Originally a deed conveying an incorporeal hereditament; now applied to a deed conveying anything corporeal or incorporeal.

Deed of partition. A deed by those holding property jointly, in common or coparcenary, which has the effect of vesting in each a separate and distinct portion of the property.

Deed of release. An instrument in writing under seal by which a right or interest is relinquished.

Deed of trust. A deed that creates a trust.

Deed, poll. A deed signed and sealed by but one person. A deed not indented, as distinguished from a duplicate deed. Now applied to deeds by sheriffs, executors, and the like.

Deed, quitclaim. A deed conveying the interest of the grantor at the time it is delivered. It vests such an estate as firmly as any other kind of deed.

Deed, title. A deed conveying a title, or a sealed evidence of title.

Deeds, execution of. The signing, sealing, delivery and acceptance in accordance with law.

Deeds under the Statute of Uses. Deeds that by the Statute of Uses conveyed an interest in lands without entry or livery of seizin, as lease and release, bargain and sale.

Deemster. A judge on the Isle of Man, selected from the inhabitants, who decided controversies without process writings or charge.

Defalcation. The act of one who defaults or fails to account properly for funds under his control. A fraudulent appropriation of money held in trust. Deduction of a claim by deducting a counter claim. The amount deducted or cut off. A deficiency caused by breach of trust.

Defamation. The act of injuring a person's reputation, fame, or character, either by spoken or written words. Written defamation is called libel, and spoken slander.

Defamatory. Tending to cause injury to one's reputation. Libellous or slanderous.

Default. Omission of what ought to be done. To allow judgment to be taken because of some neglect or failure to appear or answer.

Defaulted. Neglected or omitted to perform a legal duty.

Digitized by Google

Defaulter. One who neglects to account for money placed in his charge.

Defeasance. To defeat or undo. A collateral deed providing that the other deed is to be void upon the happening of certain conditions. A condition in a bond which when performed defeats the latter; if in the same deed it would be called a condition.

Defeasible. Capable of defeating, destroying, or impairing.

Defeat. To make void; to annul; to deprive of. Making void.

Defence or **Defense.** Resisting force with force. In pleading, the grounds of the defendant offered to defeat the claim of plaintiff; an answer to or denial of a cause of action.

Defend. To prohibit; to forbid; to deny. To claim, vindicate, or prosecute at law. To guard, to protect, support, maintain.

Defendant. One who is sued or charged with a crime. The party against whom an action at law or in equity, civil or criminal, is instituted.

Defendant in error. One who is defendant in a cause taken up on writ of error; he may or may not have been the defendant below.

Defendant, material. One in equity from whom relief is requested or who has an interest adverse to the plaintiff.

Defendant, nominal. One in name only, not having a substantial interest adverse to plaintiff.

Defender of the Faith. A title conferred upon Henry VIII of England by the Pope for writing against Martin Luther in behalf of the Church of Rome. Catholicus was applied to the King of Spain, and Christianissimus to the French King.

Defense. See **Defence.**

Defense au fond en droit. A defense from the foundation or ground in right; i. e., a demurrer.

Defense au fond en fait. A defense from the foundation or ground in fact or deed; i. e., the general issue.

Defense, dilatory. One not intended to meet the issue raised, but to delay, dismiss, or obstruct the prosecution.

Defense, equitable. One resting upon equitable grounds.

Defense, full. A defense, at one time made by the defendant in stating in his plea that he defends the wrong and injury when and wherever it shall behoove him and the damages and whatever else he ought to defend, etc.

Defense, general. A denial in general terms of the statements in the complaint.

Defense, half. A defense made in Common law pleading by the defendant simply stating in his plea that he "defends the wrong and injury and says," etc., instead of the words used in full defense. The distinction between full defense and half defense has long been abolished.

Digitized by Google

Defense, legal. A defense based on law as opposed to equity; or a defense good in law.

Defense, peremptory. A plea that the plaintiff never had the right or if he did he has it no longer.

Defense, sham. A pretended defense existing neither in fact nor law.

Defense, special. A defense in which special facts of law are set up.

Defensor Didei. Defender of the Faith.

Deferred payments. Payments postponed, or not made when due.

Deficiency. That which is wanting.

Deficit. A deficiency in amount.

Define. To clearly bring out the limits of. To explain. To interpret. To declare what constitutes, as to define a crime.

Definite. Certain. Fixed. Precise. Bounded. Defined.

Definition. Specifying the principal ideas which go to make up a thing or compound idea. The act of defining. A description of a thing by its substance or properties.

Definitive. Determinate. Exact. Bringing to an end. Conclusive. Final.

Definitive sentence. The final judgment of an ecclesiastical court.

Defloration. Seduction. The act which deprives a female of her virginity. May constitute rape or only fornication.

Deforce. To unlawfully keep a freehold from another.

Deforcement. A keeping out by force or wrong. A wrongful withholding of lands or tenements from the rightful owner. It includes an abatement, an intrusion, a disseisin, or a discontinuance, or any other wrong by which one having a right to the freehold is kept out of possession.

Defossion. Burial alive.

Defraud. To deprive of something by fraud. To deceive; to cheat.

Defunct. Deceased; a deceased person; the deceased.

Degradation. Deprivation of rank or dignity; a reducing from a higher to a lower rank or degree. An ecclesiastical censure, whereby a clergyman is divested of his orders.

Degrade. To lessen in reputation or character. To lower in standing or grade.

Degree. 1. The relationship between one person and the next in line of ascent or descent. 2. A grade of crime. 3. The civil condition of a person, i. e., his rank or state.

Degree of relationship. The distance of persons, one from another, in the line of ascent or descent.

Dehors. Without, out of, foreign to, irrelevant, unconnected with. A word used in pleading, in same sense as **aliunde.**

Dei judicium. The judgment of God. Trial by ordeal.

Digitized by Google

Del bien estra. Of well being. De bene esse.

Del credere Commission. One with credit, trust or warranty. An agreement by which, in consideration of a larger commission or premium, an agent or factor guarantees the payment of the price for which he sells the goods of his principal on credit. It makes the agent a surety.

Delectus personæ. The choice of a person. An election or choice of the person who becomes tenant. The right of a partner to determine what person or persons shall be introduced into the firm as new partners.

Delectus personarum. Choice of persons.

Delegata potestas non potest delegari. Delegated authority cannot be delegated, i. e., the agent or delegate cannot redelegate the authority unless specially authorized.

Delegate. To empower. To give authority. One appointed to act for another. A representative of a U. S. Territory in Congress. He can talk but not vote.

Delegation. The transfer of authority from one person to another. The act of making a delegate. An assignment of a debt. In Civil law, the substituting one debtor for another by the agreement of all three parties.

Delegatus. One chosen to represent or act for another.

Deliberate. To weigh facts without haste. To premeditate after cooling time. To examine and discuss without haste, in order to form an opinion.

Delict. A misdemeanor, fault, tort, crime. A wrong or injury inflicted with or without intent. In Civil law, the act of causing injury to another by malice.

Delictum. A tort or wrong, as distinguished from contract. A crime or offence; a violation of law constituting a crime or misdemeanor for which one may be punished.

Delimit. To mark out the limits of a district or country.

Delimitation. The act of determining or marking the limits or boundaries of a locality, district, or territory.

Delinquent. In Civil law one convicted of a crime or violation of duty.

Delirium. A temporary insanity. As to whether a mental condition be a delirium must be determined by the facts in each case.

Delirium tremens. Trembling delirium. A violent delirium; an affection resulting from excessive indulgence of strong liquors, opium or tobacco.

Deliveraunce de goal. Goal (jail) delivery.

Delivery. The act by which possession is transferred. Release. Delivery is one of the requisites to the validity of a deed or pardon. In Medical Jurisprudence, the act of giving birth to a child.

Delivery, absolute. A delivery without qualification or condition.

Digitized by Google

Delivery, actual. Delivery in fact.

Delivery, conditional. A delivery coupled with a condition which prevents title vesting until it is fulfilled or comes to pass.

Delusion. A symptom of mental failing, characterized by fancies that things exist which do not exist except in imagination.

Dem. For demise; on the demise of.

Demand. To request payment, or restoration of a right, or performance of an obligation. A claim or legal obligation.

Demand, cross. One set up against another. A set-off.

Demand-in-law. An entry on land, distress for rent, etc., without words or writing.

Dementia. Insanity arising from weakness or loss of mind. Mental derangement, involving total inability to reason correctly. As to what comes within must be determined by the facts in each particular case.

Dementia naturalis. Idiocy; natural or permanent madness.

Dementia, senile. Decay of the mind from old age. The imbecility of old age.

Demesne. Own; one's own. Lands of which a lord had proper dominion or ownership, as distinguished from the land which another held of him in service.

Demesne land. That held by the lord or King for his own use and not granted out. Same as demesne.

Demesne lands of the crown. Lands originally reserved for the crown or which came to it from various sources.

Demi-monde. (Literally, half-world.) Disreputable female society; abandoned women.

Demi-rep. A woman of questionable chastity.

Demi-sangue. Half blood. Blood from the father's or mother's side only.

Demi-vill. One of the smallest of the ancient divisions of England, comprising only five freemen, with their families and servants.

Demise. A word creating a covenant or warranty of title. A conveyance of an estate in fee, for life or for years. Death.

Demise and redemise. Mutual leases of the same land or something connected with it. Used in the grant of a rent charge.

Demise of the crown. Death of the King, which causes the transfer of the property of the crown to his successor.

Demisi. I have demised, or leased.

Democracy. Government by the people or in which the people select the rulers and exercise the sovereign power. See Sec. 29, Chadman's Cyclopædia of Law.

Democracy, pure. A government in which officials or representatives are elected directly by the people or the laws are made by the people.

Digitized by Google

Democratic. Relating to democracy; or to a political party so called.

Demonetization. The act of withdrawing from use as money. The act of divesting a metal formerly used as money of its character as money.

Demonstrative. Pointing out; designating. As applied to a legacy; means one that directs its payment out of a specified fund.

Demonstrative legacy. One to be paid out of a specified fund.

Dempster. In old Scotch law doomsman, or an officer of the court whose duty it was to pronounce the sentence or doom of the court.

Demur. To stop, pause, abide, rest in law or judgment. To object to a pleading for legal insufficiency.

Demurrable. That which can be demurred to.

Demurrage. The stoppage, stay, detention of a vessel by the freighter beyond the time allowed by the charter-party for the loading or unloading, or for sailing. The allowance, payment, compensation made for such detention or delay.

Demurrer. An exception or objection by one of the parties to an action, to the pleading of the opposite party, as not being sufficient in point of law to sustain the claim made, though the facts alleged are thereby admitted for the purpose of the demurrer. In criminal law, a plea admitting that while the fact alleged may be true it is not sufficient in law to constitute an offense.

Demurrer, general. One which excepts generally to a pleading without alleging any particular cause.

Demurrer in equity. A plea to determine whether the bill shall be answered because of insufficient equity therein.

Demurrer in law. A plea which admits the facts but questions their sufficiency.

Demurrer, speaking. A demurrer in equity which alleges new matter.

Demurrer, special. One which states the particular cause of objection.

Demurrer to the evidence. A plea allowed in some jurisdiction that the evidence is insufficient to maintain the case usually made by plaintiff to defendant's evidence.

Demurrer to the interrogatory. The reason given for not answering an interrogatory.

Demurrer Book. In English law a transcript of all the pleadings upon an issue of law. 3 Steph. Com. 511.

Denariatus. A penny's worth.

Denarii. Pennies; pence. Money in general.

Denarii de caritate. Customary tributes paid cathedrals.

Denarius. An ancient English penny, originally a Roman silver coin, at one time it was gold and later copper.

Digitized by Google

Denarius Dei. God's penny; earnest money given to bind a bargain, so called because anciently earnest money was given to the church or the poor and was not part of the consideration, but only used as a token or pledge passing between the parties to contracts.

Denarius Petri. Peter's pence.

Denarius tertius comitatus. Among the Saxons, a third of the fines of the county courts, which belonged to the earl.

Denial. Declaring a statement to be untrue. A traverse of a statement by the other side. A controversion.

Denial, general. A denial in general terms, as distinguished from one that makes a specific denial of each charge. A pleading which simply denies all the allegations of the complaint.

Denier a Dieu. Money from God; God's penny. In French law, a sum of money which one party gives to another in consideration of a contract. Either party may annul the contract within twenty-four hours, the one by demanding, and the other by returning the money given. Similar to Denorius Dei.

Denization. The act of making a foreigner a denizen.

Denizen. An adopted or naturalized citizen. A stranger admitted to reside in a foreign country. A dweller; an inhabitant.

Denomination. Description, title.

Denunciation. In the Civil law, the act informing a public prosecuting officer, that crime has been committed. In old English law, a public notice or summons. In Scotch law, the announcement that a person is a rebel.

Deodand. A thing given to God. Any personal chattel which caused or occasioned a man's death. Anything which causes the death of a reasonable creature. Deodands were forfeited to the crown, to be applied to pious uses, and distributed in alms.

Department. One of the branches of a government. Charged with certain duties of government. A division of the Executive Department of the U. S. Government. A division of territory.

Department, Executive. One of the subordinate branches of the Federal Government of the U. S. Charged with executing the law. It is subordinate to Congress, but while the President cannot pardon one sentenced by Congress, nor refuse to obey Congress; he can pardon one sentenced by the judiciary and refuse to obey its orders. See Congress, U. S.; also Judiciary.

Department, Interior. An Executive Department of the U. S. Government having charge of the public lands, patents, pensions, Indian affairs, geological survey, census, and a bureau of education. It was organized March 3, 1849.

Department, Navy. A branch of the Executive Department of

Digitized by Google

U. S. Government charged with the administration of naval affairs. It was organized April 30, 1789.

Department of Agriculture. The branch of the Executive Department of the U. S. Government charged with the collection and dissemination of information relating to agricultural subjects. It was created Feb. 9, 1889.

Department of Justice. The branch of the Executive Department of the U. S. Government which acts as legal counsel for the government. An Attorney General was first provided for by act of Sept. 24, 1789. The present department was created by act of June 22, 1870.

Department of Labor. A department established by act of Congress, approved June 13, 1888, to obtain and disseminate various information in which both capital and labor are interested.

Department, Postoffice. A branch of the Executive Department of the U. S. Government charged with the care, transportation and delivery of the mail. It was established by acts of Sept. 22, 1789; Feb. 20, 1789; May 8, 1794; March, 1799, and April 30, 1810.

Department, State. A branch of the Executive Department of the U. S. Government charged with conducting foreign affairs and having custody of the Great Seal and Acts of Congress. It was organized Sept. 15, 1789. Prior to that it was termed the Department of Foreign Affairs.

Department, Treasury. A branch of the Executive Department of the U. S. Government charged with the collection, custody and distribution of the public revenues. It was established Sept. 2, 1789.

Department, War. A branch of the Executive Department of the U. S. Government charged with the administration of military affairs. It was organized August 7, 1789.

Departure. In pleading, the contradiction in a subsequent pleading of what has been alleged in a previous pleading. A changing of the cause of action or line of defence from that stated in an earlier pleading. It tends to confuse the issue and is therefore bad pleading.

Departure from the State. The leaving and remaining away from a state to prevent service of process.

Dependency. A territory apart from, but dependent upon and governed by a sovereign power. It differs from a Colony in not being settled by the citizens of the sovereign state.

Dependent. Depending upon something else for completeness or validity. A person supported by another.

Depesas. Land reserved in Spanish-American towns for common or pasturage.

Depone. To testify in writing. To give testimony.

Deponent. One who depones, or gives testimony under oath.

Digitized by Google

Depopulation. A laying waste, marauding, pillaging. The act of dispeopling.

Deportation. Banishment for life; exile; abjuration of the realm; outlawry. In Roman law loss of civil rights and perpetual banishment.

Deposel. To make oath in writing; to state under oath. 2. To deprive of office or official position.

Deposer. A deponent.

Deposit. A bailment without reward. To give to the care of another, to be taken care of and returned without pay.

Deposit, account. An account of money placed with a bank, not to be withdrawn except after notice as agreed upon.

Deposit, certificate of. A written statement by a bank that money has been deposited there by a person named, and may be withdrawn on return of the certificate properly endorsed.

Deposit company. A company which makes a business of renting fire and burglar-proof boxes for the deposit of valuables.

Deposit, gratuitous. One in which the depositary receives no compensation other than the custody of the things deposited.

Deposit, involuntary. One arising without the consent or knowledge of another, as articles thrown upon a person's land by a flood, or wreck.

Depositary for hire. One who receives anything to be taken care of for a consideration.

Deposition. The testimony of a witness written down for subsequent use, upon due notice to the other side of a controversy, and in the manner and form prescribed by law.

Depositiones testium. Depositions of the witness.

Depositum. A bailment of goods, deposited by one man with another to keep for the use of the bailor without reward and to be returned when demanded.

Depot. A depository. A warehouse for storage of goods or military stores. The rooms at a railway station for passengers or freight. The railway station and necessary grounds.

Deprave. To vilify. To indicate contempt for.

Deputize. To authorize as one's agent or deputy.

Deputy. One who is deputed to act for another; one who exercises an office, in the name of his principal. An assistant to an officer.

Derelict. Deserted, abandoned, cast away. Personal property abandoned by the owner with the intention of relinquishing the ownership thereof. Land uncovered by the receding of water. Property abandoned at sea with no expectation of recovering the same.

Derelict lands. Those suddenly left by the receding of the sea when the sea or water recedes below the usual water mark. See Derelict.

Digitized by Google

Dereliction. An abandoning. The gaining of land from the water; as when the sea shrinks back below the usual water mark.

Dernier. Latest, final; highest, greatest, utmost; lowest, vilest, meanest.

Descend. To pass on or down by succession.

Descendant. One descended from the person or stock spoken of.

Descent. Passing downard. The title by which a person obtains a freehold on the death of an ancestor. Hereditary succession. Means of acquiring an estate as distinguished from purchase. Birth, extraction.

Descent and Distribution. The distribution among the descendants of a deceased person of his property, in accordance with law. Such statutes are known as statutes of descent and distribution. See Bouv. L. Dict. 550, 560.

Descent by distaff. Descent from the mother.

Descent in a collateral line. Descent through an ancestor and down from him through collaterals.

Descent lineal. Descent in a direct line as father to son, grandfather to grandson; not uncle to nephew, etc.

Descriptio personæ. Description of the person. Description of office or agency.

Desertion. Abandonment of a duty. Abandonment of public service in the army or navy without leave. Continuous cessation of matrimonial cohabitation without cause.

Desfontaines. The name of the oldest law writer on the law of France. It was on the French law of custom and published in 1253.

Despatch. 1. To transact or execute promptly. Prompt performance of work. 2. A message sent in haste by special means.

Despot. An arbitrary sovereign. A master. A tyrant.

Detainer. One who detains or withholds. The wrongful detention of another's goods, though received lawfully. A writ.

Detainer, forcible entry and. An entry upon and detention of real property by force. An action to recover property wrongfully withheld by one who was a tenant.

Determinable. Likely to end.

Determinate. Determined. Fixed. Specific.

Detinet. He detains; he keeps. The term has given name to the mode of declaring in certain actions of debt, as against executors and administrators.

Detinue. To hold from, or withhold. A form of an action to recover the specific possession of a personal chattel or its value, and damages for its detention, wrongfully detained from another, where the original taking was lawful. It is classed as an action ex-contractu. 3 Bl. Com. 151.

Digitized by Google

Detinue of goods in frank marriage. An old writ allowed a divorced wife to recover goods given her when married.

Detinuit. He has detained; he kept back, withheld.

Deuterogamy. A second marriage. A marriage after the death of a wife or husband.

Devastation. A laying waste; squandering. The waste of the property of a deceased person by his executor or administrator.

Devastavit. He has wasted. The mismanagement and wasting of a deceased person's property by his executor or administrator or one holding it as a trustee.

Devastavit by direct abuse. That caused by the wrongful appropriation of the assets of the estate.

Devastavit by neglect. That caused by negligence on the part of executor or administrator to collect moneys due, or to sell perishable or other goods at the proper time.

Devil on the neck. An ancient contrivance to gradually or suddenly break the back. It was used as a means to extort confessions.

Devisavit vel non. Did he devise or not? An issue directed from a court of equity to a court of law, to try by a jury the validity of a will upon some alleged fact, such as alleged incapacity on the part of the testator; fraud; etc.

Devise. A gift of land by will. An instrument in writing signed, declared and witnessed, making a gift of lands or other real estate to take effect on the death of the donor.

Devise, conditional. One which depends on some uncertain event.

Devise, executory. A devise of real property by will which does not vest in the devisee at the death of the devisor but only on the happening of some event after the latter's death. This is contrary to the rule of conveyances of real property but allowed to be good in a will; it differs from a contingent remainder, as the latter must have an estate to support it. If there be such a supporting estate in a devise, it is a contingent remainder, and not an executory devise.

Devise, specific. A devise of a specific piece of property.

Devise, vested. One which vests distinguished from a contingent or executory devise.

Devisee. The person who receives lands or other real property by will.

Devisor. A testator. One who wills lands to another. The maker of a will of lands or real estate. One who makes a devise.

Devoir. Duty.

Dialogues de scarrio. Dialogues of the Exchequer. The title of an ancient treatise on the Court of Exchequer.

Digitized by Google

Dicastery. An ancient Athenian law court. One of the bodies of the Grecian citizens who represent the people as a jury. The number varied, sometimes reaching 500 in an important matter.

Dicta. A saying or remark.

Dictionary clause. The clause in a statute which defies words or terms therein.

Dictum. (Obiter Dictum.) A saying. An extra judicial opinion aside from the point in question, and not necessary to the decision of the point or points in issue in the case in which the dictum is announced.

Diei dictio. In Roman law, a notice by a magistrate that he intends, on a day mentioned, to impeach a citizen before the public for a crime.

Diem clausit extremum. He has closed his last day. A writ directing the escheators to ascertain the lands of which a tenant in capite died seized and restore them to the King.

Dies. A day. The civil day of twenty-four hours.

Dies a quo. The day from which. In Civil law, the day from which a transaction begins.

Dies ad quem. The day to which. In the Civil law, the concluding day.

Dies amoris. A day of love. A day of grace, a day granted by the court to a party, as a matter of favor, out of the usual course of proceedings.

Dies artificalis. An artificial day from the rising to the setting of the sun.

Dies cedit. The day begins. In Civil law, a phrase indicating that an interest has vested.

Dies civilis. The civil day. The time from midnight to midnight.

Dies clara. Daylight.

Dies communes in banco. Common days in banc or court. Days for appearance of parties in the courts; also return days, originally peculiar to the Court of Common Bench.

Dies consilii. The day of imparlance. Also a day appointed to argue a demurrer. A day to hear the counsel of both parties in court.

Dies continui. The successive or following days; consecutive days.

Dies dominicus. The Lord's day; Sunday.

Dies fasti et nefasti. In Roman law, business days and new business days.

Dies feriales. Ferial days; holidays. Working days, or week days as distinguished from Sunday.

Dies nefasti. In Roman law, days on which the courts were closed, days on which no public business was transacted. Holidays. Also unlucky days.

Dies non. In Roman law, an abbreviation of Dies non juridicus, i. e., non-judicial days, when no legal business could be transacted.

Digitized by Google

Dies pacis. Days of peace. All days in the year were anciently either days of peace of the King or of the church.

Dieu et mon droit. God and my right. Motto of the Kings of England; it was first adopted by Richard I.

Dieu et son acte. God and his act; the act of God. An act beyond human foresight and control. One that will excuse the performance of an agreement or contract.

Digest. A compilation or epitome in orderly arrangement, with the various subjects classified. The book of Pandects of the Civil law. A reproduction of the points decided in legal cases in the form of an index. A body or system of laws; a code; a system.

Dilato. To spread out, to dilate; to enlarge, amplify, extend.

Dilatoria exception. A dilatory exception or plea; a plea for delay.

Dilatory. Tending to cause delay.

Dilatory pleas. Such as are put in for delay, since while they obstruct, they do not go to the merits of the action.

Diligence. Care and attention required by law in certain cases. Reasonable and ordinary care, according to the circumstances or situation.

Diligence due. Such diligence as is reasonable under the circumstances.

Diligence, great. That care which unusually careful persons exercise in their own affairs.

Diligence, ordinary. Such care and attention as an ordinary man exercises with his own affairs.

Diligence, slight. That degree of care which careless persons usually take in their own affairs.

Dime. A U. S. silver coin valued at one-tenth of a dollar, or ten cents.

Diminution (or Diminution of the Record). Decrease, an incompleteness of a record. An allegation that part of the record is omitted, which is then asked to be completed.

Dimisi. I have demised, let go, given up.

Dimisi, concessi, et ad firman tradidi. I have demised, granted, and to farm let. Old words of operation in a lease.

Dinero. In Spanish law, money.

Dingley Bill. The Tariff Act of Congress, approved July 24, 1897, entitled "An act to provide revenue for the government and to encourage the industries of the U. S."

Diploma. From a Greek word signifying folded double. An instrument given by colleges, societies, etc., certifying to the attainments and qualifications of the person in certain courses of study. A license granted to a clergyman or a physician, to practice a profession, etc. In the civil law, a royal charter; letters patent granted by a prince or sovereign.

Digitized by Google

Diplomacy. The method of carrying on negotiations between nations. The acts comprising the negotiations. Skill in obtaining a desired end without friction. The science which concerns the relations and intercourse between sovereigns or independent nations.

Diplomat. The person who represents a nation in conducting negotiations with another nation.

Diplomatic corps. The whole body of diplomatic persons credited to a country.

Dipsomania. Thirst mania; rage for drink. Often applied to habitual drunkenness and to delirium tremens.

Dipsomaniac. One afflicted with an uncontrollable desire for intoxicating liquor.

Direct evidence. The opposite of circumstantial evidence. That which goes immediately to prove the question at issue.

Directory statute. One which directs that an act should be done in a certain manner, but does not invalidate it, if done otherwise, or impose a penalty for not so doing.

Direct examination. The first examination of a witness by the party calling him, as opposed to the examination by the adverse party, called cross-examination.

Diriment impediments. Those impediments which make a marriage void from the beginning even though entered into.

Disability. Legal incapacity. Any cause which prevents one from performing a duty, or taking or acting under the law.

Disability, absolute. One annexed to a person and to his heirs or successors.

Disability, canonical. In a marriage one which makes a marriage voidable, but not void.

Disability, civil. Incapacity created by law. In marriage, one which makes a marriage or act void.

Disability, general. Complete; One which incapacitates to perform legal acts of a general nature.

Disability, legal. A disability placed upon one by law, because of age, condition, etc.

Disability, personal. One which is annexed to a particular person only.

Disability, physical. An infirmity of body or mind.

Disability, special. A disability which incapacitates one to perform a particular act or function.

Disable. To make legally incapable.

Disaffirm. To set aside. To reverse. To refuse to confirm. Disaffirmance. The act by which a voidable contract is repudiated by the person who has the right to so avoid it.

Disagreement. A failure to agree.

Disavow. To reject. To refuse to acknowledge as binding. To repudiate the act of an agent as beyond his authority.

Disbar. To take away the privilege of attorney at law. To expel an

Digitized by Google

attorney or barrister from the bar. To strike off the rolls.

Disceptatio causae. The argument of a cause by the advocates of both sides.

Discharge. To set at liberty by legal process. To free of a charge, duty, or obligation. To free from imprisonment. To vacate. To dismiss. To satisfy. A written evidence of such action. In U. S. Bankrupt law of 1898, the release of a bankrupt from all his debts as allowed by that act.

Disclaimer. A disavowal or renunciation. A plea denying or renouncing a title or claim. The relinquishment, renunciation, waiver, refusal of an estate, right or interest. The refusal to act as executor. In Patent law, the renunciation of a claim to a part of a title or specification of a patent.

Discommon. To change from a common, to private or reserved land. To deprive of the privilege of using a common. In English Universities to deprive a tradesman of the privilege of trading with students.

Discontinuance. An interruption or breaking off. The termination of a suit by the failure or neglect of plaintiff.

Discontinuance of plea. The answering in a plea of but a part of the declaration.

Discovert. Unprotected, uncovered. A woman unmarried, either spinster or widow.

Discovery. Act of finding; disclosure. The act of revealing any matter by a defendant in his answer in equity.

Discretion. That part of the judicial function which decides questions arising in the trial of a cause, according to the particular circumstances of each case, and as to which the judgment of the court is uncontrolled by fixed rules of law. Bouv.

Discretion, age of. The age at which a person becomes liable for criminal acts, or is capable of transacting his own affairs.

Disentail. To bar an estate tail. To break an entail.

Disentailing deed. In England, an enrolled deed made in pursuance of 3 and 4 Wm. IV., c. 74, by which a tenant in tail could convey his estate absolutely.

Disfranchise. To deprive one of franchise, privileges or rights. To deprive of the rights and privileges of a free citizen, or of political rights.

Disfranchisement. The act of depriving one of a privilege. To deprive one of a right to vote or any privilege given by a government or corporation of which one is a member.

Dishonor. A term signifying that one has failed or refused to pay a note or bill of exchange at maturity. The act of so doing.

Disinherit. To declare in a testament, will, or devise, that a natural heir shall not inherit any part of the ancestral estate.

Digitized by Google

Disinheritance. The act of depriving one heir of an inheritance, which he would otherwise inherit.

Disinterested. Not having any interest in the matter referred to, or which is in controversy.

Disjunctive allegations. Those which charge or plead a matter so as to leave it uncertain what is intended, as by stating it in the alternative form. Such pleading is bad for uncertainty.

Dismes. Tithes. Tenths. Formerly applied to the ten cent pieces of the U. S.

Dismiss. To reject without hearing. To send out of court.

Disorder. That which disturbs the peace. Violation of law. Breach of good conduct or good morals.

Disorderly house. One within which acts in violation of law are habitually committed. A house of ill fame or prostitution.

Disorderly person. One who violates law by disturbing the peace.

Disparagation or **Disparagement.** An unequal alliance or unsuitable connection in marriage. The matching an heir or ward in marriage, under his or her degree or condition, or against the rules of decency.

Dispauper. To take away the right to sue as a pauper after it has been granted.

Dispense. To set aside or suspend the law or custom in a particular case. To free from or exempt.

Disposing mind. The capacity to dispose of property by will, testament, or devise. Testamentary capacity.

Dispossess. To deprive of possession; to eject.

Dispositive clause. The clause in a will or grant which disposes of the subject matter.

Disprove. To refute; to show to be illegal.

Disputatio fori. In Civil law, argument before a court.

Dispute. To question the legality of. A controversy. A contest of words.

Disqualify. To incapacitate. To make incompetent.

Disseisin. In old English law, deprivation or turning out of seisin wrongfully; the wrongful turning the tenant out of his tenure, and usurping his place and feudal relation; a wrongful ouster of him who is seized of an estate of freehold.

Disseisin, actual. Turning out of possession when the person disseised was in actual possession at the time he was disseised.

Disseisin by election. Disseisin where the freeholder allowed himself to be disseised.

Disseisin by force. More properly deforcement (which see).

Dissent, Disagreement; witholding of assent; disapproval.

Dissenters. Those who separated from their church.

Dissolution. A dissolving of a contract by relieving the parties of

Digitized by Google

its provisions. The act of rendering a legal proceeding void or changing its character. The extinction of a corporation.

Dissolve. To loosen asunder, separate, destroy. To discharge what one owes. To annul; to set free from obligation. To sunder a contract relation.

Distincte et aperte. Distinctly and openly. Words used in old writs of error stating how return shall be made.

Distrahere controversias. To settle a controversy.

Distrahere matrimonium. To dissolve matrimony.

Distrain. To levy a distress; to take by distress.

Distress. A common law remedy by which personal property was taken as a pledge for something due, or a satisfaction for wrong committed. To take the goods of a defendant to compel appearance in court. The act of such taking. In Scotch law, a pledge of goods given to the sheriff by persons attending a fair as security for their good behavior.

Distress infinite. A distress which has no bounds with regard to its quantity. A distress made again and again to compel one to perform some obligation; the things distrained could not be sold but were restored on the person performing the obligation or satisfying the debt.

Distribute. To apportion; to divide among several.

Distribute. One who receives part of the estate of an intestate.

Distribution. A sum paid creditors of a bankrupt. Division of personal property among a number of persons.

Distribution, statutes of. Statutes which direct how the estate of an intestate shall be distributed.

Distributive. Received or due under a distribution; a share.

District Attorney. An officer of the U. S. or a State who represents the Government, or the State, in a particular district, as its attorney.

District Clerk. A clerk of the Federal or State district court.

District election. A division of territory for conveniences in conducting an election and counting the votes cast.

District Judge. The judge of a district. The judge of a federal or a state district court.

District of Columbia. The seat of the United States Government. It orginally comprised 100 square miles and was obtained by cession from both Maryland and Virginia, and lay on both sides of the Potomac. The present area is seventy square miles, ten of which are under water. The other thirty square miles were ceded back to Virginia, on July 11, 1846.

Distringas nuper vice comitem. That you distrain the late sheriff. In England, a writ to distrain the goods of a former sheriff for neglect or non-performance of duty while in office.

Distringo. To draw asunder, to stretch out. To detain a person

Digitized by Google

anywhere, to hinder; to occupy, to engage; to distrain; to coerce or compel. To bind fast or strain hard.

Disturbance of common. The hindering or annoyance of one in the lawful enjoyment of a right of common.

Disturbance of franchise. Wrongfully interfering with one in the enjoyment of a franchise.

Divers. Several, sundry, various.

Diversities des courts. Diversity of the courts. A treatise on the courts and their jurisdiction, written in French, and printed in 1525 and again in 1534. The author is unknown though thought to be Fitzherbert.

Diversity of person. Difference of person. A plea that there is a mistake as to identity.

Dives costs. The rich man's costs. The ordinary costs as distinguished from those paid by a person suing in forma pauperis.

Dividend. A share or part allotted in the division of a thing; the profits of a corporation divided among shareholders; the interest paid on public funds as expressed in stock or bonds; the division of a bankrupt's or insolvent's effects among creditors. A part of a deed or indenture executed in two parts.

Dividend, preferred. A profit or sum paid on a certain interest before any is paid on another interest in the same enterprise or corporation.

Division of opinion. Such a disagreement by judges as prevents a decision being rendered by a majority.

Divorce. The separation of a man and woman who are married by law. The judicial dissolution of the marriage contract.

Divorce a mensa et thoro. A divorce from table and bed, or suspension of the marriage relation. Commonly expressed from bed and board. A partial divorce

Divorce a vinculo matrimonii. A divorce from the bond of marriage. An absolute dissolution of the marriage tie. Under old English law there were many causes for divorce a vinculo matrimonii; among which were pre-contract, fear, impotence or frigidity, affinity and consanguinity.

Divorce causa consanguinitatis. Divorce by reason of consanguinity or relationship.

Divorce causa frigitatis. Divorce by reason or on account of coldness, frigidity.

Do. I give or grant. The most ancient term of grant or conveyance.

Do, dico, addico. I give, I say, I adjudge. In the civil law, words used by the Praetor to express the execution of his civil jurisdiction.

Do, lego. I give, I bequeath; or I give and bequeath. Formal words in making a bequest or legacy.

Do ut des. I give that you may give. A civil law form of entering into an innominate contract.

Do ut facias. I give that you may do. A civil law form of entering

Digitized by Google

into a class of contract in which one agreed to give something if the other did something.

Dock an entail. To destroy, cut off, or bar an entail.

Docket. To enter in a docket. To enter a proceeding in a docket. A book kept by a court clerk for the entry of the title of courses and the proceedings therein.

Doctor of Civil law. An honorary title sometimes conferred upon persons by institutions of learning. One versed in the Civil law. Abbreviated, D. C. L.

Doctor of Laws. An honorary title conferred upon distinguished persons by institutions of learning. Abbreviated LL.D.

Doctor of Medicine. One who is licensed or permitted by law to practice medicine. Abbreviated M.D.

Doctors' Commons. Buildings near St. Paul's churchyard, London, England, where the Ecclesiastical and Admiralty Courts used to be held.

Document. A record, writing, precept; written instructions or directions; and evidence of right or title. In U. S. Bankrupt law of 1898, any book, deed or instrument writing.

Document, ancient. One more than thirty years old.

Document, public. Any public record or instrument in writing made by public authority.

Doe and Roe. John Doe and Richard Roe. Fictitious names used at common law when the names of defendants were not known. Also used as names of fictitious bail for the appearance of plaintiff or defendant when such bail was required.

Dole. Saxon for portion. In Scotch law, criminal intent.

Doles. Portions.

Doli capaces. Capacity to commit a crime. Used in connection with the liability of infants to punishment for crimes.

Doli incapax. Incapacity to commit a crime. Incapable of doing wrong.

Dollar. A piece of money valued differently in different and even in the same countries. The word does not stand for any particular value, but simply a piece of money. In U. S. and Canada, it is the monetary unit and equal to a hundred cents, or in Canada 4s. 11/3d. In U. S. a silver coin composed of 371.25 grains of silver and 41.25 grains of alloy. A gold piece of 25.8 grains 9/10 fine. A legal tender note.

Dollar, Hard. Spanish dollar coined previous to 1772 in Mexico.

Dollar, Pillar. Those coined in Mexico after 1772; the best known coin in the western world up to 1800.

Dollar, Spanish. At the time of the adoption of the Constitution it was a Spanish silver piece of eight which varied in weight from 368 to 386 grains of pure silver of 10 3/4 out of 12 fine.

Dollar, Standard. The standard dollar of the U. S. as established

Digitized by Google

by the coinage act of Feb. 28, 1878, known as the Bland-Allison Act.

Dollar, Trade. A silver dollar of 420 grains, not a legal tender; formerly coined by the U. S. for trade with Eastern Asia.

Dolo. In Spanish law, wicked design.

Dolus bonus. Fair or good design. That degree of artifice which one may lawfully use to advance his own interest or in self defense against an attack of an enemy, or for other justifiable purpose.

Dolus malus. Evil design. The intentional endeavor to injure another by a criminal device, fraudulent delusion or other unlawful means.

Domain, Eminent. The right to take private property for public use. Under our Constitution this can only be done on compensating the individual from whom it is taken.

Domain, National. Land owned by the government.

Domain, Public. Public lands.

Domain Royal. Crown lands.

Dombec. Dome-book.

Dome. A judgment, sentence or decree. An oath. The oath of one swearing homage.

Dome-book. A lost work, compiled by King Alfred of England and supposed to contain the local customs of the different provinces of the Kingdom, the principal maxims of the Common law, the penalties for misdemeanors and the forms of judicial proceedings.

Domesday. The title of a book alleged to have been written in the time of St. Edward the Confessor. Lombard and Camden assert that this book was made in the time of William the Conqueror, A. D. 1086-1087. It describes the land in England, their value, and who held them during the reign of King Edward and also of King William. It is styled respectively, The Decisive Record of Judgment; the Survey of England; The Tax Book of England; The King's Roll and the Book of Winchester.

Domesday Book. Domesday.

Domestic. Pertaining to one's own home, State or country. Relating to the jurisdiction of the county, State or political division spoken of. A household servant.

Domestic Attachment. One against a resident.

Domicile. To domiciliate. That place where a man has a fixed and permanent home and principal establishment, and to which, whenever he is absent, he has the intention of returning. The relation created by law between a person and a locality.

Domicile by birth. The place of birth.

Domicile by choice. That voluntarily acquired by a party.

Domicile by operation of law. One conferred by law; that which is consequential, as that of the wife acquired from marriage.

Digitized by Google

Domicile of origin. The place of birth.

Domicilium matrimonii. A domicile acquired by marriage, as by a wife, whose domicile is that of her husband.

Domicilium necessarium. A necessary domicile. One acquired through attention to public duty; or at the domicile of a husband or father.

Domicilium originis vel nativitatis. The home of a family or nativity, the home of the parents; the domicile of nativity.

Dominant. An estate which enjoys an easement over another is so-called.

Dominica potestas. The master's power.

Dominicide. The crime of killing one's lord or master.

Dominicum. Domain, demesne. Ownership of land. That portion of a lord's lands retained in his own possession as distinguished from that which was granted out to tenants. That in which one had a free tenement or freehold.

Dominicum antiquum. Ancient demesne.

Dominium. Ownership; right of property, and the right of possession or use. The right of property which the lord had in the fee of his tenant. The estate of a feoffee to uses. A lordship. Sovereignty.

Dominium directum. Right of ownership; the right of a lord, as distinguished from that of his tenant. The title of the King in all the lands of the kingdom, they being held either mediately or immediately of him. Allodial property.

Dominium directum et absolutum. The direct and absolute dominion. Applied to property of which one is seized absolutely.

Dominium directum et utile. The direct ownership and use; the union of the title and exclusive use.

Dominium eminens. Eminent domain. The right claimed by the people of a State, in and to all lands within the jurisdiction of the State.

Dominus capitalis. A chief lord; the king.

Dominus litis. Master or controller of a suit. An advocate, who, after the death of his client, carried on a suit for the executor. In Admiralty practice, one defending a suit in behalf of the real party.

Dominus rex. The lord or the King, the sovereign lord.

Dominus Deo. The house of God. Applied to hospitals and religious houses.

Dona clandestina sunt semper suspiciosa. Secret gifts are always to be regarded with suspicion.

Donate. To give without consideration.

Donatio. A gift or donation of lands or chattels.

Donatio ante nuptias. A gift before marriage. A gift by a bridegroom to a bride as security for the dos she was to bring.

Digitized by Google

Donatio inter vivos. A gift between living persons. A contract by which one divests himself of title to property and vests it in another.

Donatio mortis causa. A donation or gift made in view or in consideration of death to be kept by the donee if death take place.

Donatio propter nuptias. A gift in consideration of or on account of marriage. In Roman law, a gift, after marriage as security for the dos she has brought.

Donationes velatæ. Veiled or concealed gifts. The term is applied to deeds granted by a wife to third parties in trust for her husband's use.

Donatrix. She who gives. A female donor.

Donee. In old English law, one to whom lands are donated; one to whom lands or tenements are given intail. One to whom a gift or donation is made. The party executing a poser; otherwise called appointor; in New York, called the grantee.

Donor. One by whom lands were given to another; the party who makes a donation. One who gives, donates lands or tenements to another in tail. The party conferring a power. In New York, called the grantor.

Dormant. Sleeping; in abeyance; suspended; not in exercise; not apparent; not known. Applied to a partner. Also applied to an execution, when it is delivered to the sheriff with directions to levy and not to sell.

Dormant claim. One in abeyance, not enforced.

Dormant partners. Those who do not take any active part, but share in the profits or losses of a business.

Dorse. The back.

Dos. A dowry, or marriage portion.

Dos adventitia. An adventitious dowry or marriage portion. In the Roman law, a dowry or portion given by another person than a parent.

Dos rationalibus. A reasonable marriage portion.

Dossier. In French law, the brief of an advocate. A package of papers relating to a public matter or subject of investigation or litigation.

Dot. Dowry or marriage portion; independent settlement.

Dotage. Feeble mental condition resulting from old age.

Dote. In Spanish law, the marriage portion of a wife. The property which the wife gives to the husband on account of a marriage, or for the purpose of supporting the matrimonial expenses. To be feeble from age. To be silly. A marriage portion.

Dote assignando. For assigning dower. A writ to the escheator to assign dower to the widow of a deceased tenant of the King.

Dote unde nihil habet. In old English law, a writ allowed a widow to whom no dower had been assigned, in lands sold by her husband.

Digitized by Google

Double damages. Twice the amount of damages assessed by the jury. Also, regular common costs and half as much again.

Double entendre, or entente. A double meaning. An ambiguous expression to which two meanings may be attached.

Double plea. One in which two separate matters are alleged in bar where one is sufficient.

Double voucher. A method of transferring land by a common recovery in which the estate was first conveyed to a person called the tenant to the præcipe, he vouched the real tenant, who in turn vouched the common vouchee.

Dow. To give or endow.

Dowable. Entitled to dower. Subject to dower.

Dowager. A widow endowed or having a jointure. A widow who either enjoys a dower from her deceased husband, or who has property of her own brought by her to her husband on marriage, and settled on herself after his decease. A title given in England to a widow, to distinguish her from the wife of the husband's heir bearing the same name. A title applied chiefly to the widows of princes, dukes, and other personages of rank and title.

Dower. A widow's life interest in a third part of the lands and tenements of which her deceased husband was seized during the marriage. By Gavelkind, it was held, in some places in England it was the whole; but in no case was it more than a life interest.

Dower ad ostium ecclesiæ. Dower at the church door or porch. In old English law, the naming by the husband of particular lands as dower for his wife, not more than a third, which she could enter upon on his death without other assignment. It was anciently conferred by the husband himself at the church door or porch. It is supposed to have been derived from the donatio propter nuptias of the Civil law. It has been abolished.

Dower by custom. Dower according to the particular custom of the place or manor, or, so long as she lives sole and chaste.

Dower by the Common law. A third part of the husband's land, allowed the wife by the law so long as she lived.

Dower de la plus belle. Dower of the fairest part. Where the wife was endowed with the best lands. Abolished since 3 and 4 Wm. IV. ch. 105.

Dower ex assensu patris. Dower by the assent of the father. Where certain lands were set apart for the wife's dower with the consent of the husband's father, and put in writing as soon as the son was married. On his death she could claim no other dower. Also abolished.

Dower, profectitious. That given by a father or mother, or another relative, in a contract for the marriage of a daughter.

Digitized by Google

Dower unde nihil habet. Dower whereof she has nothing. A writ allowed a widow to whom no dower had been assigned, against a tenant from the husband.

Dower, writ of—right of. A real action against a tenant who had deprived a widow of part of her dower.

Dowress. A tenant in dower; a woman entitled to dower.

Dowry. A portion or property given with a woman to her husband in marriage. If in lands it was called maritagium. If in personal property, it was called marriage portion.

Draco regis. The military colors of England.

Draft. An order drawn by one person or party on another for the payment of money to a third person. A rough copy of a legal document. To outline in writing; to compose or draw up a first form of.

Drawee. The person whom a bill of exchange or order for the payment of money is drawn.

Drawer. The person who draws a bill of exchange or order for the payment of money.

Dred Scott Case. The case of Dred Scott vs. Sandford, 19 How. 393.

Droit-droit. A double right, as of possession and property.

Droit. A French law term, signifying right, justice, equity, law. Equivolent to jus in Roman law.

Droit, civil. An individual Civil right, not dependent on citizenship.

Droit de bris. The right to the fragments, from shipwreck. In old French law, a right which French lords claimed to persons and property shipwrecked, cast upon the shore.

Droit civilis. In French law, private rights of those residing in France, whether citizens or aliens.

Drunk. Under the influence of intoxicating liquor to such an extent as to have lost the normal control of one's bodily and mental faculties.

Drunkard. One who habitually becomes drunk.

Drunkenness. The condition which results from the excessive drinking of intoxicating liquors.

Duces et milites limitanei. Commanders and soldiers upon the frontiers.

Duces tecum. That you bring with you. A writ of subpœna commanding a person other than a party to the cause to appear at a day certain and bring with him books, instruments in writings, or other things the court desires to view.

Duces tecum licet languidus. You bring with you, although sick. An absolute writ to the sheriff to bring his prisoner though sick.

Due. Payable; owing and demandable. Lawful; sufficient; correct.

Digitized by Google

Due bill. A written acknowledgment of debt without a promise to pay.

Due care. Not negligent or guilty of violating any law. Proper and sufficient care as required under the circumstances.

Due course of law. Regular legal procedure. Due process of law or according to the law of the land.

Due process of law. Proceedings according to the established rules and principles of the jurisprudence of the country.

Duel. Anciently the trial by battle, or a fight for the trial of the truth. A fight between two persons by agreement, with deadly weapons, to satisfy some previous quarrel or insult.

Dum. While; while that. So long as, if so be that, provided that, if only. A word of limitation.

Dum bene se gesserit. While he conducted himself properly. During good behavior.

Dum fuit in prisona. While he was in prison. An ancient writ to recover lands which a man had aliened under duress of imprisonment.

Dum fuit infra ætatem. While he was under age. An old writ to recover lands aliened by an infant.

Dum fuit non compos mentis. While he was of unsound mind. An old English writ to recover lands aliened by a person of unsound mind.

Dum sola. While sole. While remaining unmarried.

Dummodo. Provided that: a word of limitation or exception.

Dun. An insistent demand for payment of a debt.

Duodecim Tabularum Fragmenta. Portions of the Twelve Tables, the first laws of Rome.

Duodecima Manus. The twelfth hand. The oath of a jury of twelve men.

Duodena manu. Twelve hands; the twelve witnesses required to purge a criminal of an offense.

Duplex Placitum. A double plea. One containing averments or denials of several facts, and constituting separate defenses.

Duplicate. A counterpart or double of anything; a copy or transcript of a writing equivalent to the original.

Duplicity. In pleading, a fault consisting of uniting more than one cause of action in one count in a writ, or more than one defence in a plea, or more than a single breach in a replication.

Durante absentia. During absence.

Durante minore ætate. During minority.

Durante virginitate. During virginity.

Durate vita. During life.

Duress. Coercion; personal restraint; compulsion by putting in fear.

Duress of imprisonment. Actual imprisonment or deprivation of personal liberty.

Duress per minas. That constraint of personal action caused

Digitized by Google

by threats of violence to life or limb.

Duty. That which one ought to do; an obligation; a custom or tax.

Dwell. To inhabit; to live in a place.

Dwelling house. A building inhabited by man. The term includes the outbuildings attached to the main dwelling or surrounding it.

Dying Declaration. See Declarations. The statement of a person in his last sickness and under the solemnity of impending death. They are receivable in evidence in some instances.

Dying by one's own hand. Voluntary suicide.

Dying without heirs, or issue. A failure of issue at the death of the decedent; that is, an indefinite failure of issue, or the total extinction of decedent's family.

E.

E or Ex. From; out of.

E. Contra. From the opposite side; to the contrary; conversely.

E converso. On the contrary; conversely.

E Pluribus Unum. From many one; the motto of the United States of America, implying the union of the several states into one government.

Earl. An English title of nobility.

Earnest. Money paid or advanced to bind the bargain, or as part of the purchase price.

Easement. A right or privilege to use the land of another without compensation, which is distinct from the ownership of the land. A right in the owner of one piece of land, by reason of such ownership, to use the land of another for a special purpose not inconsistent with a general property in the owner.

Easement of convenience. An easement which enables the owner of it to prosecute his business with greater comfort or facility.

Easter Term. In English law, one of the terms of court beginning April 1 and ending May 8th.

Eat inde sine die. That he go hence without delay. In English law, words used on the acquittal of a prisoner, or in recording a judgment for a defendant.

Ecclesia. A church or place of religious worship.

Ecclesiastical Corporation. One for religious purposes, or the advancement of religion; one which is composed of spiritual persons as bishops.

Ecclesiastical courts. In English practice the name of those courts which were given the cognizance of spiritual matters, and formerly including testamentary and matrimonial causes.

Digitized by Google

Ecclesiastical law. The law and practice derived from the canon or Civil law as administered in English ecclesiastical courts.

Edict. A law, decree, proclamation or ordinance by sovereign power which commands or forbids something to be done.

Effect. The operation of a law, contract or agreement.

Ei incumbet probatio qui dicit, non qui negat. Upon him who affirms rests the burden of proof, not upon him who denies.

Eight Hour Laws. Laws making a day's labor consist of but eight hours.

Eign or **Eisne.** Eldest.

Eject. Dispossess; to evict; to cast out.

Ejectment. The name of an action at common to recover the possession of real property with damages for its wrongful detention.

Ejus est interpretari cujus est condere. The right to interpret belongs to him who enacts. A maximum of the Civil law, by which the emperor had the right to interpret as well as enact law.

Ejusdem generis. Of the same class, kind or nature.

Elect. To choose; to select by a vote or otherwise.

Election. 1. The act or power of choosing. 2. The selection of a person by vote or otherwise to fill a private or public position of office.

Elector. The person who has a right to cast a vote for a public officer.

Electors of President, or **Presidential Electors.** The persons designated by the constitution of the United States, to be selected in the different states to make the formal legal choice of President and Vice-President.

Electoral Commission. A commission created by the U. S. Congress January 29th, 1877, to decide the question relating to the election of President at the election held in November, 1876, at which R. B. Hayes and Samuel Tilden were the respective candidates. This commission was composed of 15 members; of which 5 were justices of the Supreme Court, 10 members of the U. S. Senate. This commission seated Hayes as President.

Eleemosynary. A term applied to a corporation, and meaning that the corporation is one organized for charitable purposes only, or those constituted for the perpetual distribution of three alms or the body of the founder.

Elegit. He has chosen. A writ of execution requiring the sheriff to levy upon the goods of the defendant, and deliver them to a judgment creditor, to hold until the debt and damages were paid. . . . The creditor while holding the property was called a tenant by elegit.

Elisors. Electors or choosers. Persons appointed by the court to select a jury when the sheriff or coroner are challenged for partiality.

Digitized by Google

Elopement. The act of a married woman in leaving her husband and living with another man.

Emancipation. To set free. In Roman Law, emancipatio signified the enfranchisement of a son by his father, that is liberating him from the paternal authority.

Emancipation Proclamation. The proclamation issued by President Lincoln Jan. 1, 1863, declaring all the slaves in the Southern states to be free.

Embezzlement. The act of appropriating to one's self that which is received in trust for another. The fraudulent appropriation of property by a person to whom it has been intrusted, or to whose hands it has lawfully come. 160 U. S. 268.

Emblements. The products of annual sowing; standing and ripening grain; the privilege of reaping the crop that had been previously sown. They did not include grass, fruit or articles not the result of the tenant's own care and labor.

Embracery. The crime of offering money to jurors to influence their action. An attempt to corrupt or influence a jury by money threats or persuasion.

Emigrant. A person who has left his country for the purpose of settling and becoming domiciled in another state or country.

Eminent Domain. The superior right of the sovereign power to take the property of private persons for public needs.

Emptio. In Civil law a purchase or the act of purchasing.

Employe. A laborer; one in the employ of another in whatever capacity.

Emptor emit quam minime potest, venditor vendit quam maxime potest. The buyer purchases for the lowest price he can, the seller sells for the highest price he can. A maxim recognizing this right in the buyer and the seller.

Employer's Liability Act. The English statute of 43 and 44 Vict. c. 42, regulating the liability of employers in action for negligence for their workmen and greatly limiting and modifying the common law doctrine of common employment. This act puts a working man in the same position as an outsider and does away with the "fellow servant" rule, and the acceptance of dangers incident to the employment.

Similar statutes have been enacted in some of the States, and others are being advocated from time to time.

En ventre sa mere. In its mother's womb.

Enact. To perform, to decree; to establish.

Encumbrance. A lien, or liability upon land, as an incumbrance.

Enfranchise. To make free; to admit as a member to a society or corporation; to confer political privileges and rights; to make one a citizen.

Digitized by Google

Enfranchisement of copyhold. A conversion of a copyhold estate into a freehold estate.

Engross. To write in a large plain hand; to copy in full in permanent form a document or statute. In English law the name of an offense consisting in buying up provisions in order to advance the market price by creating a scarcity, and then selling at a profit.

Enjoin. To prohibit by decree of a court of equity; command.

Enroll. To enter upon a roll; to record; to register. As to enroll a deed.

Entente cordial. A pleasant or satisfactory relation or understanding.

Entail. To restrict an inheritance of lands to a particular class of issue or heirs; to create an estate tail.

Entirety. The whole, as distinguished from a part or moiety.

Entry. The taking possession of lands by one who has title thereto. In Criminal law the act of entering a dwelling house for the purpose of committing a crime. In popular use to write down the particulars of a matter or account.

Entry of judgment. The entering of a judgment on the roll or records of the court.

Enumeratio unius est exclusio alterius. The naming of one thing is the exclusion of a different thing.

Envoy. One sent. A public minister or diplomat ranking next to an ambassador.

Eodem ligamine quo ligatum est dissolvitur. An obligation is extinguished in the same way that it is created.

Equitable. According to natural right or justice.

Equitable assets. Assets of a deceased person, which can only be reached by proceedings in a court of equity.

Equitable assignment. An assignment in equity; one conferring a title enforceable in equity and not at law.

Equitable conversion. A method of changing or considering the nature of property changed from real estate to personalty and vice versa, in order to effect some equitable purpose, as to carry out the intention of a testator.

Equitable estate. An interest in land acquired and held under rules of equity; one recognized only in courts of equity.

Equitable mortgage. A charge or lien on real property recognized by equity, as arising without an express contract or deed. The mortgage of an equitable estate or interest.

Equitable plea. A defense or plea in a legal action upon equitable grounds.

Equity. That branch of jurisprudence or remedial justice which aims to reduce the severity of strict rules of law by the application of conscientious and

Digitized by Google

equable rules formulated in the court of chancery. That system of jurisprudence which has developed in the chancery courts of England and the United States.

Ergo. Therefore; consequently.

Erotic mania. Abnormal sexual desire.

Error. A mistake in law or of fact. Technically, such an irregularity, mistake or wrong ruling as will warrant a reversal of the judgment or decree affected thereby.

Error juris nocet. Error of law is injurious. That is, errors of law will not be excused.

Error scribemtis nocere non debet. A clerical error ought not to injure. A maxim recognizing that clerical errors or those of fact ought to be disregarded.

Error of fact. Ignorance or mistake as to the existence of a matter of fact.

Error of law. Ignorance of the prescribed rules of law, or of the law governing facts.

Escape. An unlawful or forcible deliverance of a person in prison from such imprisonment.

Escheat. A falling or happening. In English real property, an escheat is the reverting of an estate to the lord or original grantor through some unforeseen contingency, causing the estate to revert to the lord rather than to decend to the heirs of the tenant. The estate which reverts is called an escheat. The forfeiture of lands to the king or state.

Escrow. A deed or other instrument delivered to a third person to be delivered to the grantee upon the happening of an event or when certain conditions have been fulfilled.

Esnecy. The privilege of the eldest; giving the eldest of coparceners the first choice of one of the parts of the estate.

Esquire. Anciently, one who attended a knight. Now a title of courtesy or dignity.

Essoin. Formerly an excuse for not appearing in court at the return of the process.

Establish. To fix permanently; to dispense or administer justice.

Establishment of dower. A dower or property settlement between husband and wife on marriage.

Estate. The condition or circumstance in which the owner stands to his property. The degree, quality, nature and extent of one's interest or ownership in land. The property which one owns.

Estate at will. One which exists at sufferance of him who granted it.

Estate by the curtesy. The estate which a husband has in lands and tenements of which his wife died seized, providing they had issue, born alive and capable of inheriting her estate.

Estate for life. A freehold estate in lands, not of inheritance, which the tenant holds for his own life, or the life or lives of one or more other persons, or for an indefinite period, which

Digitized by Google

may endure for the life or lives of persons in being, but not beyond the period of a life.

Estate for years. Such an interest in lands as entitles the tenant to the possession for a fixed and determinate period of time, and one usually created by contract of lease.

Estate in common. One in which there is a unity of possession.

Estate in coparcenary. An estate held by two or more persons as heirs at common law, an estate held by female heirs.

Estate in entirety. One held by husband and wife, and which anciently could only be created by deed or devise. In U. S., if not prohibited by statute such an estate may be created by operation of law, by devise, or by statute. It is neither common coparcenary, nor joint tenancy, though the survivor takes the whole estate.

Estate in expectancy. Remainders and reversions.

Estate in fee simple. An estate granted to a man and his heirs forever. The most perfect estate that can be granted.

Estate in joint tenancy. Where there is a unity of interest, unity of title, unity of time, and unity of possession; and if one tenant dies the entire estate vests in the survivor or survivors.

Estate in remainder. An estate which is to take effect after the expiration of a preceding estate.

Estate in reversion. An estate to revert to the grantor after the expiration of a particular estate granted out of it.

Estate in severalty. An estate held in one's own right and not with another.

Estate per autre vie. An estate for the life of another.

Estate tail. An interest in land or tenements given to a person and the heir, or heirs of his body.

Estate tail, general. Where lands are given to one and his heirs begotten, that is, by all his heirs whether by one or more marriages.

Estate tail, special. Where the estate is limited to certain heirs of the donor.

Estate upon condition. One which is to vest only upon the happening or not happening of an uncertain event.

Estates less than freehold. Those for years, at will, and by sufferance.

Estates not of inheritance. Such estates as are less than freehold.

Estates of freehold. Those which could not be conveyed without livery of seisin, as of inheritance and for life.

Estates of inheritance. Those which are granted to a person and his heirs.

Estoppel. A bar to an action arising from one's own act or previous conduct; or by matter of record, or where one is forbidden by law to speak in denial of his own deed.

Digitized by Google

Estoppel by deed. A bar arising by one's own act or deed.

Estoppel by matter of record. A bar resulting from some matter of record.

Estoppel equitable. Such an estoppel as a court of equity enforces upon one who has made misrepresentations or concealed facts, as where an owner of property has stood by and seen it sold without disclosing his title or objecting to the sale.

Estoppel by matter in pais. One that arises from the acts and declarations of a person by which he purposely and designedly induces another to alter his position injuriously to himself.

Estovers. Any kind of support or assistance; that support or aid which a tenant has from the demised premises, necessary for his fuel, fences, and other agricultural needs.

Estray. An animal, the subject of property that has escaped from its owner and is wandering at large.

Estreat. The true extract or copy of some original written record especially of fines, amercements, etc.

Estrepe. To commit waste, to strip or lay bare.

Et. And.

Et alius. And another.

Etcaetera. And others; and other things.

Et de hoc ponit se super patriam. And of this he puts himself upon the country.

Et habeas ibi tunc hoc breve. And have you then there this writ.

Et hoc paratus est verificare. And this he is prepared to verify.

Et hoc petit quod inquiratur per patriam. And this he prays may by inquired of by the country.

Et inde petit judicium. And thereupon he prays judgment.

Et inde producit sectam. And thereupon he brings suit.

Et modo ad hunc diem. And now at this day.

Et non. And not.

Et sequitur. And follows.

Et sic. And so.

Et uxor. And wife.

Eundo, morando, et redeundo. In going, remaining, and returning.

Evict. The recovery of lands by law; dispossession; ejection. The compelling tenant to abandon or leave demised premises and restoring them to the possession of the landlord.

Evidence. The testimony of witnesses, writings, records or articles. All the means by which matters of fact, proof of which is under investigation is sought to be established or disproved. That which demonstrates, makes clear or ascertains the truth of the very fact or point in issue. 3 Bl. Com. 367. It is called evidence, because thereby the fact is made evident. Jacob.

Evidence, circumstantial. The proof of facts which usually append other facts sought to be proved; such as is made up of facts which, when taken together, are

Digitized by Google

supposed to establish the fact in issue.

Evidence, conclusive. Such evidence as satisfies the judge and jury, and conclusively establishes the truth of a fact.

Evidence, direct. That which comes directly to the proof of the point in issue.

Evidence, extrinsic. Evidence outside of a document or instrument in writing.

Ex. From; out of; of; by; according to.

Ex aequo et bono. According to what is just and good; in justice and fair dealing.

Ex antecedentibus et consequentibus it optima interpretatio. From what precedes and what follows the best interpretation is made.

Ex arbitrio judicis. By the discretion of the judge.

Ex cathedra. From the pulpit or bench; from which authority.

Ex causa. By title.

Ex comitate. Out of commity or courtesy.

Ex contracto. Out of contract; arising from or by contract.

Ex debito justitiæ. From a debt of justice; that is, what is required by justice or law as distinguished from what is granted as a favor, termed exegratia.

Ex delecto. Out of fault. Arising from wrongdoing or neglect. A tort.

Ex diuturnatate temporis, omnia praesumuntur rite et solenmniter esse acta. By lapse of time, all things are presumed to have been done rightly and in due form.

Ex dolo malo. Out of fraud or deceit.

Exemptio. Out of purchase.

Ex facto. Out of fact.

Ex facti jus oritur. Out of the fact the law arises; i. e., the law arises to govern facts.

Ex mora. From delay or by default.

Ex officio. From office. By virtue of office.

Ex parte. From one part or one side.

Ex post facto. From an after act; in consequence of a subsequent act.

Ex proprio vigore. By its own force.

Ex relatione. Upon the information; on the relation. Abbreviated ex rel.

Ex testamento. From or under a will.

Ex vo termini. By the force or meaning of the term.

Examination. Hearing; investigation; inquiry.

Examination, post mortem. An examination of the body made after death.

Examination voir dire. An oral examination to test the competency of a witness or juror.

Exceptio probat regulam. The exception proves or confirms the rule; also rendered, the exception tests the rule.

Digitized by Google

Exception. An objection. In contracts, a clause in a deed by which the lessor excepts something out of that which was before granted by the deed. So in a statute an exception is a clause excluding from the operation of the law some persons or things, which would otherwise be included.

Exceptions peremptory. Those made with a view to having an action dismissed.

Exchequer. An ancient court of record in England, in which matters affecting the revenue and rights of the crown were heard.

Excise. An inland imposition, upon the consumption or retail sale of a commodity.

Excusat vel extenuat delictum in capitalibus, quod non operatur iden in civilibus. That which excuses or extenuates a wrong in capital cases, does not so operate in civil suits.

Execute. To complete, to finish, to perform. To deprive of life by authority of law.

Executed. That which is accomplished or performed.

Execution. The completion or entire performance of something. The act or mode of putting the sentence of the law in force. A writ directing the satisfaction of a judgment, the final process in a suit. The act of signing, sealing or delivering a deed or instrument in writing or of signing or publishing one's last will.

Executed contract. One which has been performed or carried out.

Executio est finis et fructus legis. The execution is the end and fruit of the law.

Executive. That power which secures the due performance of the laws, under our tri-partite system of government.

Executor. One appointed to execute or perform a duty or trust by virtue of having been named for the office in a will; the legal personal representative of a testator.

Exempla illustrant non restringunt lex legum. Examples illustrate but do not restrict the law.

Exemplary damages. Excessive money judgments which are allowed the plaintiff, in some cases as additional compensation and by way of punishment to the defendant.

Exemplification. A perfect copy of a record or public document made in form to be used as evidence, and properly authenticated.

Exempt. To except or excuse from the operation of the law; the condition of being excepted or excused.

Exequatur. The official rescript or order given by the foreign department of a state to a consul or commercial agent, authorizing him to exercise his powers in the country to which he is accredited.

Exhibit. To produce publicly; a document produced and identified for use as evidence.

Expatriation. The act of an individual in forsaking his own

Digitized by Google

country renouncing his allegiance, and becoming a permanent citizen or resident in another country.

Expectant estate. An estate in lands which consists in a present vested contingent right of future enjoyment.

Expert. Experienced; skillful. A person having skill and experience in certain professions, or peculiar knowledge upon particular subjects.

Export. To send out of a country; the converse of import. Exports. The things which are sent from one country to another.

Express. Declared in specific terms; openly stated; set forth in exact words; the converse of implied.

Expressio eorum quae tacite insunt nihil operatur. The expression of things which are tacitly implied avails nothing; i. e., they might be omitted.

Expressio unius est exclusio alterius. The expression of one thing is the exclusion of another; i. e. by expressly mentioning a thing in a contract all others not mentioned are excluded.

Expressum facit cessare tacitum. What is expressed supersedes or controls what is not mentioned.

Expulsion. Removal from membership; casting out.

Extinguishment. The destruction or annihilation of a right.

Extortion. The unlawful taking by an officer under color of his office anything of value that is not due to him, or more than is due, or before it is due. 4 Bl. Com. 141.

Extra. Beyond. More than; outside of.

Extra-judicial. Beyond jurisdiction. An act or decision by a court beyond its proper authority.

Extra-territorial. Without the territory. Said of a law which operates beyond the territory of the government by which it was passed.

Extra-viam. Outside the way, beyond the way.

Extradition. The surrender by one government to another of a person who has fled to the territory of the latter to escape the operation of the laws of the former. The delivery by one nation or state to another, of criminals or fugitives from justice in pursuance of laws or treaties existing between such states or nations.

Extremis. The extreme. Said of a person he is sick beyond the hope of recovery. Last sickness.

Eyre. A journey; an itinerant court or justice. The court of the justices itinerant, or justices in eyre.

F.

F. This letter was branded on Felons who took benefit of clergy in early English law.

Facio ut des. I do that you may give. **Facio ut facias:** I do that you may do. Phrases in civil

Digitized by Google

law representative of classes of contracts.

Fac-simile. An exact copy or imitation of the original.

Factor. A kind of agent. One whose business it is to sell for account of the owner merchandise forwarded to him for that purpose, and on which he receives a commission for his services. The term is equivalent to a commission merchant.

Factors' Acts. Statutes enlarging the power of factors to deal with goods consigned to them.

Failure of issue. A want of descendants; lack of heirs who can take a decedent's estate.

Failure of issue, definite. The absence of a legal heir at a specific time or event stipulated by deed or will.

Failure of issue, indefinite. The time when the issue of a person becomes extinct, whatever that time may be.

Fair preponderance. With reference to evidence, the fair and apparent preponderance or weight.

False. Illegal, fraudulent, counterfeit, contrary to truth or fact. It implies a purpose to deceive.

False personation. The representing one's self to be another person with intent to obtain something of value. A misdemeanor at common law, and a felony under some statutes.

False pretence. The making of an untrue allegation, wilfully and knowingly to defraud another of property.

False pretences. False representations and statements, made with fraudulent intent to obtain something of value.

False representation. A representation which is known to be untrue when made or made without regard to its truth or falsity for the purpose of deceiving or injuring another.

Falsus in uno, falsus in omnibus. False in one respect false in all.

Falsa grammatica non vitiat chartam. False grammar does not vitiate or destroy a deed.

Falsa orthographia non vitiat chartam. False spelling does not destroy a deed.

Fauces terrae. The jaws of the land. Projecting headlands, closely approaching each other and enclosing an arm of the sea.

Fealty. Fidelity; allegiance; the duty of a feudal tenant or vassal to render service to the immediate lord. The oath compelled of a tenant in ancient times.

Federal. Relating to a compact between independent states. The government formed by the union of a number of independent states or provinces.

Fee. A reward or compensation. A freehold estate held of a superior lord on a condition of some service. An estate granted to one and his heirs.

Fee simple. An estate in fee, without condition or restriction. An absolute inheritance.

Fee-tail. An inheritable estate which is limited to descend to certain classes of heirs only, as

Digitized by Google

the heirs of his body or to particular heirs of his body.

Feigned issue or action. An action or issue brought by consent of the parties, or by direction of a court of equity to determine a disputed question of fact before a jury.

Felo de se. A felon of himself; a self murderer; a suicide.

Felon. One who commits a felony, an offense between treason and misdemeanor, or one punishable by imprisonment in the penitentiary.

Felonice. The Latin word equivalent to English "feloniously," a word necessary to be used in indictments for felony.

Felony. Anciently an offense for which the convict forfeited his fee and goods. Now one punishment by imprisonment in the penitentiary.

Feme. A woman or wife.

Feme covert. A married woman.

Feme sole. A spinster or single woman.

Feoffment. The conveyance of a fee by livery of seizin. The gift of any corporeal hereditament to another. Also, the deed or charter of such conveyance.

Ferae naturae. Of a wild nature. A term applied to animals wild by nature as distinguished from domestic animals.

Feud. Land held of a superior on condition of rendering him services. A feud is properly only a right in land not the land itself.

Feudal system. The system of tenures or fiefs, which prevailed throughout Europe during the Middle Ages, and was introduced into England by William the Conqueror. Under this system all lands were regarded as belonging to the King, and were apportioned by him among his tenants or retainers to hold by making proper returns to him, but the title remained in the King.

Feudal tenures. The tenures by which land was held under the feudal system.

Feudum. A feud or fee. The right of holding and using land, granted from a lord paramount, on the rendering of service to the feudal lord.

Fiat. Let it be done. An order or warrant from a magistrate directing the doing of an act therein stated.

Fiat justitia. Let justice be done. The words written by the king, on a petition for a writ of error, or for a redress of wrongs.

Fiction. The assumption as a matter of law that something which is or may be false is true. That which is feigned or pretended to be true for some ends of justice.

Fieri facias. That you cause to be made. A writ of execution.

Fieri feci. I have caused to be made. The return of a sheriff to a fieri facias.

Fidei commissum. A matter committed to one's faith or confidence; a devise or bequest in trust; a trust.

Digitized by Google

Fiduciary. A term borrowed from the civil law, and imports that one has been placed in a position of trust or confidence, as to deliver an inheritance over to the person designated by the one creating the trust. A relation founded upon trust or confidence, and having relation to the fidelity and integrity of the person, rather than to his credit or ability.

Fieri non debet, sed factum valet. It ought not to be done, but if done it is valid.

File. Originally a thread or wire upon which writs and exhibits in courts were fastened for convenience or safe keeping; to place papers upon a file; to deposit or exhibit a paper to the court, by leaving it in the clerk's office.

Filius mulieratus. A lawful son. The first son of a married woman who previously had a bastard to the same man.

Filius nullius. The child of no one. A bastard.

Filius populi. A son of the people. A natural child, or bastard.

Filum Aquae. A thread or line of water. The middle line of a stream.

Filum viae. The middle line of a road or way.

Final. The end. Something conclusive, as distinguished from that which is intermediate or interlocutory.

Final decree, or judgment. One which conclusively determines the questions involved. Also, one which does not permit of a review.

Final process. Writs of execution, as distinguished from mesne process.

Find. Finding. The determination of a question in controversy. The conclusion of the court or jury, formally expressed, upon matters of law or fact submitted to them.

Fine. Money paid as a punishment. To adjudge money to be paid as a punishment for an offence committed. A fee paid by the tenant to the lord in addition to the rent, on certain occasions, or for certain privileges.

Fire-arm. An instrument or weapon for the propulsion of a shot or bullet by the explosion of gunpowder.

Fire insurance. A contract for the purpose of indemnifying the owner of property, called the insured, by the payment of a specified sum to the one indemnifying, called the insurer.

Firm. A company or partnership. The persons composing a partnership.

Firm name. The name under which the business of a partnership is transacted.

Fiscal. Of or pertaining to the treasury or public finances.

Fitzherbert. A law writer, and author of a grand abridgment of the Year Book, and of the new Natura Brevium, a treatise on writs existing during the reign of Henry VIII.

Digitized by Google

Fixture. A chattel so fastened to the land or building as to become in contemplation of law a part of it, a thing which, although movable in its original nature has been so affixed to the realty as to become a part of it, and no longer removable by the original owner without consent of the owner of the fee.

Flag. The act of congress of April 4, 1818, as now embodied in Rev. Stat. Secs. 1791, 1792, enacts that the flag of the United States shall be thirteen horizontal stripes, alternate red and white; and the union of the flag shall be thirty-seven stars, white in a blue field; and that on the admission of a new state into the Union, one star shall be added to this union of the flag; and such addition shall take effect on the fourth day of July then next succeeding such admission.

A symbol of nationality carried by soldiers, ships, etc. and used in many places where such a symbol is necessary or proper. Bouv. L. Dict.

Flagrante delicto. In the very act or heat of the offence; in the act of committing a crime.

"Flee to the wall." An expression implying the use of every means of getting away from an assailant before one is excused for killing him.

Fleta. An ancient law book founded on Bracton, and reputed to be written by a lawyer confined in Fleet Prison during the reign of Ed. I.

Flotsam. Wreckage that floats; floating. Jetsam. Wreckage that sinks.

Flying switch. An expression referring to the switching of cars on a railroad while in motion and after the locomotive which gave them the impetus has been uncoupled and passed ahead on the main track.

Fœticide. The offence of destroying the human fœtus, or causing an abortion.

Folc Land, Folk's Land. A Saxon term for common land, or commons.

Forbearance. Refraining from claiming a right; giving time or extension of time.

Force and arms. Violence. The Latin words being Vi et Armis were formerly necessary in declarations for trespass.

Forcible detainer. The offence of keeping possession of real property without authority of law.

Forcible entry. The wrong or offence of taking possession of real property without legal right. Forcible Entry and Detainer is the expression commonly used for both of the above.

Foreclosure. Barring out. An equitable proceeding for the purpose of shutting off and barring the right of redemption of a mortgagor or pledgor in property, after default made. Also applied to the enforcement of a mechanic's lien.

Foreign. That which pertains to another country or sovereignty.

Digitized by Google

Foreign attachment. An attachment of property upon the ground of the non-residence of the debtor.

Foreign corporation. One created by the laws of a country or state different from the one in which it is doing business.

Foreign decree. A decree rendered by a tribunal of an independent jurisdiction.

Foreign divorce. A divorce obtained in a different jurisdiction from the one where the marriage was contracted.

Foreign jury. A jury drawn from another county from that in which the venue of the issue to be tried lies.

Forestall. Forestalling. The offence of buying up provisions on the way to market so as to sell them at a higher price. A conspiracy to enhance the value of merchandise or victuals.

Forfeit. The loss of one's property through the commission of some fault or offense. The thing lost or given up.

Forgery. The making or altering of any written or printed instrument for fraudulent purposes or to the prejudice of another's right.

Forms of action. Various classes into which personal actions of common law were divided or forms of action. Each was distinguished by some technical words or peculiarities, from which it derived its name.

Formedon. An ancient writ of right granted to a person interested in an estate tail.

Fornication. Unlawful sexual intercourse on the part of an unmarried person.

Fortier et potentior est dispositio legis quam hominis. The disposition of the law is stronger than that of man. That is, the force of the law supersedes the intention of the grantor.

Forum. The name of the place where courts were held and other public business transactions were held in Rome and the cities of the Roman Empire. A court. A judicial tribunal; Also, the place where a remedy is sought to be applied.

Forum contractus. The court, or place where a contract is made. The law or jurisdiction of the place where a contract is made.

Forum domicilii. The court of the domicile.

Forum rei gestae. The court of the transaction. The forum of the place where the act was done.

Forum rei sitae. The place or forum where the property in controversy is situated, considered as a place of jurisdiction.

Founder's shares. In England, shares issued in payment of something assigned or transferred to a corporation, but which do not represent the capital and do not share in profits until a certain dividend has been paid on the capital stock.

Four corners. An expression meaning all parts of an instrument. That shown on its face.

Four seas. The four seas enclosing England.

Digitized by Google

Franc. A French silver coin of the value of 19.3 cents.

Franchise. A liberty or privilege. A privilege emanating from the government or sovereign power, by grant, shown or supposed, and vested in an individual or body politic.

Frank. Free. The stamp or signature of one having the right to send mail matter free.

Frankalmoigne. An ancient tenure, whereby lands were held by religious institutions free of all dues and rents except religious services.

Frank marriage. An ancient estate or tenure in tail special, granted to one who married the donor's female relative, to them and their heirs, free of all service except fealty, unto the fourth generation of their descendants.

Frank-pledge. A pledge or guaranty required in early England of each free-born man at the age of fourteen, to insure his good behavior.

Fratricide. One who kills his brother. Also, such a crime.

Fraud. Deceit, whether resulting from a suppression of the truth or suggestion of falsehood. Said to be a term incapable of definition. An endeavor to alter rights, by deception touching motives, or by circumvention not touching motives. Bigelow, Fraud, 5.

Fraud, actual. That which is actually committed. An act done with intent to defraud, as distinguished from implied or constructive fraud.

Fraud, implied. That which arises by implication of law from the facts of the transaction.

Fraudulent conveyance. A conveyance made in fraud of a previous purchaser, or which will operate to defeat the rights of creditors.

Fraus dans locum contractui. A fraud occasioning the contract. A fraud without which the contract would not have been made.

Fraus est celare fraudem. It is a fraud to conceal a fraud. So the concealment of the truth may amount to fraud.

Fraus est odiosa et non presumenda. Fraud is odious and not to be presumed.

Fraus latet in generalibus. Fraud may be concealed in general expressions.

Free. Emancipated. Not subject to arbitrary rule. Certain or honorable; the opposite of base. Not held to apprenticeship or servitude or under parental dominion.

Free born. Not born in slavery.

Freehold. An estate in real property either of inheritance or for life.

Freeholder. The owner of a freehold estate. An actual owner of land. Anciently must have been also a freeman.

Freeman. In old English law one who had been granted a freehold estate. One enjoying civil and political rights.

Friendly suit. A suit in equity by a creditor against an executor or administrator, but being really a suit by the executor or admin-

Digitized by Google

istrator in the name of the creditor against himself for the purpose of compelling creditors to take an equal distribution of the assets. A suit in which the parties agree upon the facts and ask the court to judicially determine the law applicable to the same.

Frivolous. An answer or plea is said to be "frivolous" which is insufficient because it does not controvert the material allegations of the complaint.

Front foot. A foot on the highway, street or waterfront. When applied to lots the term means a foot front and running the entire depth of the lot. As distinguished from a square foot. Assessments for sewers, sidewalks and street paving are frequently made by the front foot on the abutting property.

Fructus. Fruit; the increase of a thing; the usufruct or profit.

Fructus industriales. The fruits of industry; industrial fruits. Those obtained by the labor or industry of the man and not those produced spontaneously by nature.

Fructus naturales. Natural fruits. The increase or fruits of a thing produced solely by the powers of nature, as the fruits of trees growing without cultivation. The young of animals, wool, etc.

Fructus pendentes. Hanging fruits. Fruits or increase while remaining unseparated from the thing which produced them.

Fugitive. One who has left a jurisdiction to escape prosecution, punishment or service of process.

Fugitive from justice. One who has fled or escaped the jurisdiction where he has committed a crime.

Fugitive slave law. U. S. Statutes of 1793 and 1850 providing for the return of slaves to their masters.

Full age. The age of majority. Generally the age of twenty-one years.

Functus officio. Having discharged the office, or having performed the function. Hence a person or thing that has fully performed its function.

Furiosi nulla voluntas est. An insane person has no will. A person of unsound mind can neither make a will nor a contract.

Future estate. An estate which is to commence in possession in the future; also termed expectancies or estates in expectancies, including remainders and reversions.

G.

Gage. A pawn or pledge; security given to assure a payment or performance. In French law, the name of the contract of pledge as well as the article pledged.

Game. A general term applied to animals in a state of nature.

Gaming. A contract between two or more persons by which they agree to play by certain rules

Digitized by Google

at cards, dice, or other contrivance, and that one shall be the loser and the other the winner. Illegal gaming implies gain and loss between the parties by gaming such as would excite a spirit of cupidity.

Game laws. Laws regulating the taking or killing of animals in a state of nature, or protecting game from being exterminated.

Gaol. Same as jail.

Garnishment. Originally a notice or warning of the pendency of a suit, given to a person not a party, that he might appear and explain his interest in the subject of a suit. Now generally used of the process of attaching money or goods due a defendant in the hands of a third party. The third person in whose possession such property is attached is called the **garnishee,** because he is **garnished,** i. e., summoned or warned not to deliver them to the defendant, but to appear and answer the plaintiff's suit. Garnishment is a proceeding to apply the debt due by a third person to a judgment defendant, to the extinguishment of that judgment, or to appropriate effects belonging to a defendant, in the hands of a third person, to its payment. 4 Ga. 393.

Garrote. An instrument for executing criminals in Spain and Portugal. It consists of an iron collar with a sharp point or blade, in which the neck of the condemned is inclosed. By turning the crank, the point or blade is forced onto the spine at the base of the brain.

Gauge. To measure. The distance between the rails of the railroad.

Gauge, broad. A distance between the railway tracks of more than 56½ in. Formerly 5 ft.

Gauge, narrow. The distance between railway tracks less than standard gauge, usually 24 or 30 in.

Gauge, standard. Distance between railway tracks of 4 ft. 8½ in.

Gavelkind. A sockage tenure in Kent, Eng., by which the land descends to all the heirs or sons together, and was characterized by other special incidents.

General. Relating to a whole class, genus or kind. Widespread; unrestricted; common to the greatest number; comprehensive.

General agent. An agent whom the principal employs to transact all of his business of a particular kind.

General damages. Those which the law regards as arising by implication from a tort or breach of duty, and may be awarded in the discretion of the jury, without requiring evidence of the exact loss.

General election. An election held throughout a state, to fill state offices, as distinguished from a local election, to fill local offices only.

Generalia verba sunt generaliter intelligenda. General words are to be understood in a general sense. A maxim of construction.

Digitized by Google

Generalibus specialia derogant. Special provisions derogate or detract from general ones.

Gentleman. A man well born. In England all persons above yeoman. In U. S. applicable to most any one.

Gestio pro hærede. Behavior as heir. An expression from the Roman law indicating an intention on the part of the heir to enter upon the inheritance and become liable to the debts of the ancestor.

Gerrymander. To change the voting districts regardless of adjacent territory so that a particular party or candidate may be benefited. Making up an election district so that one party may have a majority of the voters therein. Name derived from Eldridge Gerry, Governor of Massachusetts, the originator of the scheme.

Gestation. The period required for the development of a fœtus beginning at conception and ending at birth. For a child it is usually 280 days.

Gift. A transfer of property without consideration; also the thing given or transferred.

Gist. The essential ground or meaning of a thing; the essence of a right of action.

Give. To transfer title or possession of property without compensation. To allow; to admit; to communicate.

Give bail. To furnish bail or security for one's appearance in court at a specified time.

Give time. To a court extension or forbearance to a debtor.

Glossary. A compilation of a class of words.

Going concern. Said of a partnership or corporation which is in existence and continuing though it may be insolvent.

Good. Legal, valid and genuine. Able to meet obligations. When written upon a check by a bank it is equivalent to an acceptance.

Good abearance, or behavior. Conduct conformable to law.

Good and lawful men. Those competent to serve on a jury. Disinterested.

Good and valid. Sufficient, legal, responsible, good faith.

Good consideration. One founded on natural affection or blood relationship. Any consideration which will sustain a contract or conveyance is a good consideration, but it is more commonly used in the sense of being opposed to a valuable consideration.

Goods, wares and merchandise. Such articles as are usually the subject of trade and commerce. Goods signifies all sorts of inanimate, movable property. Goods and chattels signifies any kind of property which is not freehold.

Good will. The advantage or benefit which has been acquired by an establishment beyond the mere value of the capital, stock, funds, or property employed therein, in consequence of the patronage of the general public or on account of its position or common reputation, or from

Digitized by Google

other circumstances. The established popularity of a business house.

Government. The aggregate of institutions by which a state makes laws and rules which are necessary to enable man to regulate society.

Government, constitutional. A government which has certain restraints upon its officials or agents as a protection for the people, whether the restraints are imposed by a written constitution or only recognized customs or principles of right.

Grace. Favor, toleration as distinguished from right.

Graft. In equity. The right of a mortgagee to extend his lien to premises to which the mortgagor at the time of making the mortgage had an imperfect title, but afterwards obtained a good title. The new title is considered a graft into the old stock.

"Graft" is also used to indicate a modern system of thievery by which officials and others holding position of trust and confidence, accept or take money or property derived from the office or trust funds, and appropriate them to their own benefit.

Grand assize. Jury of sixteen men employed to try writs of right and introduced by Henry II.

Grand jury. A body of men varying in number from twelve to twenty-four, who are summoned to attend every session of the county court and make inquiry concerning all complaints of the commission of offenses which may be submitted to them and to return their findings thereon to the court.

Grant. A gift, a conveyance; to convey; to transfer property by deed in writing, also, the instrument by which such transfer is made.

Grantee. He to whom a grant is made.

Grantor. He by whom a grant is made.

Gratis dictum. A voluntary assertion. One unnecessary to be made.

Gravamen. The grievance complained of; the substantial charge or accusation in the action or complaint.

Greenback. Popular and almost exclusive name applied to all United States Treasury notes.

Gross. Great; entire; undiminished.

Gross negligence. Negligence which is extreme, or which exceeds ordinary carelessness or imprudence. The omission of that care which even inattentive and thoughtless men never fail to make of their own property. Such as evidences willfulness.

Ground rent. A rent paid for the use of ground.

Guarantee. To assure or engage that another shall pay or perform what he has promised. Becoming answerable for the duty or obligation of another.

Digitized by Google

Guaranty. An agreement to answer for the debt or performance of another. The undertaking itself. A warranty. A collateral undertaking to pay the debt of another i case he defaults.

Guardian. A custodian, keeper or protector. One who has the custody by lawful appointment of any person or thing, or who has the charge of those unable to guide themselves or their property.

Guardian ad interim. A guardian serving in the absence of the real guardian.

Guardian an ad litem. A guardian appointed to represent the ward in legal proceedings in which he is a party.

Guardian of the estate. One appointed to take charge of and manage the estate of an infant or minor but who has not charge of his person.

Guardian of the person. One who is legally appointed to care for the person of an infant or minor independent of the ward estate.

Guild. A fraternity or assembly of laborers, each of whom was bound to pay something toward the support of the company.

Guilt. That which renders criminal and liable to punishment.

Guilty. The state or condition of a person who has committed a crime, misdemeanor or offence. Also, a plea admitting a charge of crime.

Gynarcy. Government by women. A government controlled by women or in which a woman is the sovereignty.

H.

Habeas corpus. That you have the body. The emphatic words or several writs in common-law practice issued for the purpose of bringing a party into court. But the term is now applied exclusively to designate a writ directed to the sheriff or person detaining another and commanding him to produce the body of a prisoner at a certain time and place, with the day and cause of his caption and detention, to do, submit to, and receive whatsoever the court or judge awarding the writ shall consider in that behalf.

Habeas corpus ad faciendum et recipiendum. That you have the body to do and receive. A writ to remove a criminal action into a superior court.

Habeas corpus ad respondendum. That you have the body for prosecuting, or to answer.

Habeas corpus act. The English statute of 31 Charles II, 2. Ch, is the original habeas corpus act, and the one which established that great remedy for unlawful imprisonment.

Habendum. The initial and emphatic word in that clause of a deed which follows the granting part of a premises, and defines the extent of the ownership or intership granted.

Digitized by Google

Habendum et tenendum. To have and to hold. The words in a deed defining the estate granted.

Habere facies siesinam. That you cause to have possession. A writ of execution in the action of ejectment.

Habere facias seisinam. That you cause to have seisin. A writ of execution used in real actions by which the sheriff is directed to cause the demandant to have seisin of the lands recovered.

Habitation. Place of abode; residence. In civil law, the right to dwell in the house of another without further rights in the property.

Habitual drunkard. One so habitually and repeatedly intoxicated as to be unable to manage his affairs.

Hæreditas nunquam ascendet. An inheritance never ascends. A rule of the feudal law.

Hæreas legitimus est quem nuptiæ demonstrant. The lawful heir is he whom marriage shows to be such, i. e. the law regards as a son only he who is born in wedlock.

Half blood. The relationship between persons who have one parent only in common. Also one whose parents are of different races.

Half brother. A male who has the same father and a different mother or the same mother and a different father from that of another person.

Half tongue. A jury of de medietate linguæ, which on the trial of a foreigner is composed of half of his countrymen if he demands the same.

Hanaper office. One of the offices belonging to a court of chancery on the common law side which kept matters relating to private persons. Those relating to the crown matters were kept in the petty bar.

Handwriting. The form of letters and marks made by one in writing words. The signature or writing of a person.

Hallucination. A perception by any of the senses of an object which has no existence. An error, blunder, mistake or fallacy; when used describing the condition of a person does not necessarily imply a condition of insanity.

Hanging. The act of executing or killing by suspending by the neck with a rope. A mode of capital punishment.

Hanging in chains. A former English practice of hanging the murderer after execution upon a gibbet in chains near the place where the murder was committed.

Hanse. A confederacy of merchants of commercial towns. During the Middle Ages a guild of merchants in France who levied an imposition upon merchandise.

Harbor. A place where ships may arrive with safety, sheltered by the surrounding shores. In torts or crimes to receive clandestinely and conceal a person from some one having the right to the custody of such person.

Digitized by Google

Hard cases. A phrase indicating those decisions which are not in accordance with legal principles, and were made to relieve a case of hardship.

Headnote. The note placed at the head of a published court decision. Same as syllabus.

Health, board of. A board of persons in a state or municipality whose duty it is to regulate matters affecting the public health. Same as health officers.

Hearing. A trial of an equity suit. The session of a court for passing upon evidence.

Hearsay. A term applied to that species of testimony which consists in a narration by one person of matters told him by another. That which is heard from another. Hearsay evidence, that kind of evidence which does not derive its value solely from the credit to be given the witness himself, but rests also in part on the veracity and competency of some other person. 1 Phill. Ev. 185.

Heir. Originally, one who took a fee to land by descent, now, applied to any one who takes property by descent. A person who on the death of another is indicated by right of blood and by operation of law to succeed to the deceased's estate.

Heir apparent. One who will be the heir if he outlives the ancestor.

Heir at law. One to whom the law transmits the estate of a deceased person.

Heir-loom. The name applied to a species of chattel which by reason of its special relation to or connection with the realty descends to the heir, instead of passing with other personal property to the executor.

Heirs of the body. Heirs begotten of a man's body who would inherit his property if he died intestate.

Herald. Anciently, a messenger between princes whose duty was to announce war, peace and carry the light messages.

Hereditament. A comprehensive term for any property which may be transmitted by the law of descent. They were divided into corporeal and incorporeal.

Hereinafter. In an after or later part of the instrument.

Hereinbefore. In a preceding part of the instrument.

Heresy. An offense at common law which consisted not in a total denial of Christianity, but in a denial of some of its essential doctrines, publicly and obstinately avowed.

Heretic. One who adheres to heresy, or has been convicted of heresy.

Herectico comburendo. Burning of a heretic. Abolished 29 Charles, II, C. 9.

Heretofore. Previous to the present time. Denotes time past as distinguished from time present or future.

Heriot. A tribute to the lord for his better preparation for war,

Digitized by Google

paid by an estate on the decease of the tenant or holder of the land.

Heritable. Capable of being inherited.

Hermaphrodite. A person having the sexual characteristics of both sexes.

Heirship. The condition or privilege of an heir.

Hermancutics. The art or science of truthful and correct interpretation. Used chiefly by theologians. Hide. Anciently a plow line or as much as could be plowed with one plow from sixty to one hundred and twenty acres; as much land as would maintain a family. Also a building with a roof.

High sea. The uninclosed waters of the ocean, also those waters on the sea coast which are without the boundaries of the low water mark.

High treason. Treason against the king as distinguished from petite treason, which is the treason of a servant toward his master, or a wife toward her husband. There is no such division of treason in the U. S.

High water mark. The line reached by the waves of the sea at flood or high tide.

Highway. A road free to the public; a passage or way open to all persons.

Highway robbery. Robbery upon the public road or highway; in Early England it was a capital offence, while robbery elsewhere was not punished so severely.

Highwayman. A robber on the highway.

Hiis testibus. These being witnesses. The beginning of the attestation clause in ancient deeds and charters.

Hire. To contract for the use of property or services; also a species of bailment; also the compensation agreed upon as for the service.

Hodge-podge Act. The name given to legislative act covering many subjects.

Hold. To adjudge, decide, decree. 2. To bind or restrain. 3. To possess in virtue of a lawful title.

Hold over. To remain in possession after the term has expired, or after the term of office has expired.

Holding over. Keeping possession of property or of a public office after one's legal right thereto has expired.

Holiday. Originally a religious festival, now, a day set apart by law or custom to commemorate some important event in history. On these days the usual obligations of labor, attendance upon court, giving of notices, and the like, are remitted by law.

Holiday, legal. One made such by authority of law.

Holograph. An instrument written by the grantor, testator, or other person making a writing, entirely in his own hand. Also called Ograph.

Homage. In feudal law, a term designating the ceremony of reverence or acknowledgment by a

Digitized by Google

tenant that he was the lord's vassal, or man.

Home. One's actual domicile, or dwelling place.

Homestead. A home, or dwelling house. A place exempted by statute from execution for debt owing by heads of families.

Homestead law. A Public land law of the U. S. which permits a citizen to make entry of 160 acres of public land, and by living thereon and cultivating the same for five years he may become the owner thereof.

Homicide. Man-killing; the taking the life of a human being.

Homicide, culpable. A killing which is the result of negligence or wrongdoing.

Homicide, excusable. The killing of a man in self-defence or to preserve one's life. One for which there is an adequate excuse.

Homicide, felonious. A felonious killing; one without justification or excuse.

Homicide, justifiable. A term applied to the execution of one legally convicted and sentenced to death by law. Also, the killing of a human being in self-defense or to prevent the commission of a felony on or within one's dwelling house.

Honeste vivere. To live honorably. One of Justinian's three fundamental principles of law.

Honor. To honor a bill of exchange or promissory note, means to accept the bill or pay the note according to its tenor. In old English law a seigniory or barony.

Hostage. A person given to an enemy as security for the performance of some agreement by another.

Hostes humani generis. Enemies of the human race; a term applied to pirates.

Hotchpot. A vernacular word for mixture; a confused mingling of diverse things together; the considering together as a whole of property belonging to two or more persons so that each may receive an equal portion.

House. A habitation; a building; dwelling; the abode or residence of human beings.

House of Commons. The popular branch of the English parliament, composed of representatives elected by the people.

House of ill-fame. A bawdy house. A brothel or house of prostitution.

House of Lords. The upper house of the English parliament, whose members are not elected but hold office by reason of their title or high estate.

House of Representatives. The name of the more popular branch of congress of the U. S.; also, of the similar branch in many of the state legislatures.

House breaking. The actual breaking and entering a dwelling house of another with intent to commit a felony therein.

Digitized by Google

Household. Relating to a family occupying one dwelling.

Hue and cry. An old English phrase signifying the complaint of a party injured by a felony, and the pursuit of the felon upon the highway. Also a written proclamation for the arrest of a person who has committed a felony and escaped from prison.

Hundred. The name of a civil division of English counties during Saxon times.

Hundred Court. An English Court within a particular hundred, now included in the county court.

Hundred Gemote. The assembly meeting of the inhabitants of a hundred.

Husband. A man who is legally married to a woman.

Hustings. A London mayoralty court; also a court in some Virginian cities. The raised place or platform from which candidates for English parliament address the electors. Hence an election.

Hypothecation. A lien upon property given by contract to a creditor but which does not pass the right of possession or control; pledging personal property as collateral security for the satisfaction of a debt; bottomry or a maritime lien.

Hypothetical case. An imaginary state of facts stated for the purpose of obtaining the opinion of an expert.

Hypothetical question. A question asked of an expert witness which contains a recital of facts assumed to have been proved in a case for the purpose of obtaining the opinion of the witness thereon.

Hysteropotomoi. The name given those who appeared after having been presumed to be dead from their long absence.

Hysterotomy. The Cæsarean operation.

I.

I. O. U. The letters representing the words "I owe you"; a memorandum of debt, consisting of these letters, a sum of money and the debtor's signature.

Ibidem. In the same place. Used in legal terminology to indicate the same case, book, or page. Abbreviated ibid. and ib.

Id cerum est quod certum reddi potest. That is certain which can be made certain. A maxim which applies to the construction of written instruments.

Id est. That is.

Idem. The same. Used in the same manner as ibidem, often abbreviated to Id.

Idem sonans. Sounding same; a term applied to names having the same sound.

Ideo-consideratum est. Therefore it is considered. The Latin words

Digitized by Google

formerly used in the entry of judgment.

Idiocy. Total absence of mind; natural lack of reason. Insanity from birth.

Idiot. A natural fool or one who has never had understanding or mental power from birth.

Ignominy. Disgrace or dishonor.

Ignoramus. We are ignorant; we ignore it, formerly written by grand jury to show that the evidence in a matter before them was insufficient to sustain an indictment. The words now indorsed are "True Bill" or "No True Bill."

Ignorance. Lack of information, or want of knowledge.

Ignorance of fact. Lack of information as to the existence of a fact. This qualifies one's responsibility or obligation for acts done because of it.

Ignorance of law. Lack of information as to the existence of a law. As a rule, this does not qualify or limit one's civil or criminal liability.

Ignorantia facti excusat; ignorantia juris non excusat. Ignorance of fact excuses; ignorance of law does not excuse.

Illegal. Unlawful; contrary to law or prohibited by law.

Illegality. The state of being illegal.

Illegitimacy. The status of a child whose parents were not legally married at the time of its birth. Born out of wedlock; bastardy as a condition.

Illicit. Illegal; unlawful, or prohibited by law.

Illicit trade. Illegal or improper trade. Prohibited trade under terms of a contract of insurance; trade against public policy.

Immaterial. Not important; not necessary to the determination of the issue; collateral or subsidiary.

Immaterial issue. An issue which is joined upon some matter which is not the main fact in controversy.

Immediate; Immediately. Words used in relation to time, meaning directly, at present, without any delay or intervention; with celerity or quickness of action.

Immoral. Contrary to good morals; against public policy; contrary to decency, good order or propriety of conduct.

Immunity. Exemption from duty or obligation. Imposed by law.

Impair. To diminish, injure, weaken; to reduce in quantity value or power.

Impanel. The drawing of a jury for trial of a particular cause; also, the preparation of the general list of jurors by the sheriff.

Imparlance. Time given by the court to either party to answer the pleading of his opponent. It was anciently an opportunity for talking over the case by the parties for the purpose of compromise but now signifies any extension in the case for the purpose of pleading. The word has also been used in the sense of stay of execution.

Digitized by Google

Impeach. To accuse; to discredit or question; to sue. Applied to an officer, the term impeach designates a proceeding involving accusation, trial and judgment for misconduct in office, for which the penalty is removal from office.

Impeachment. The act of showing or attempting to show a person unworthy of belief. Also in the U. S. the accusation made by the proper authority against an officer for misconduct in office.

Impeachment of waste. An expression meaning the calling of a tenant to account for committing waste. Also a suit, or compensation for waste committed.

Impertinence in pleading. Any thing which is immaterial, irrelevant or scandalous.

Implead. To sue or prosecute in law.

Implication. An inference of something not directly spoken or declared. Something conveyed but not expressed.

Implied. A necessary inference from language used, but which is not directly or expressly stated.

Import. Something brought into a country from another, as distinguished from export.

Impost. A government tax or duty.

Imposition. A duty or tax levied upon imported goods and merchandise.

Impotentia excusat legem. Disability or inability will excuse performance of a legal requirement. A legal maxim.

Impotence. Want of power. Inability in a male person to copulate or beget children. Inability to procreate is not the test; it is enough if the parties are able to have sexual intercourse. 18 Kan. 371.

Impound. To place in a pound, or custody of an official or court.

Imprimis. In the first place; first.

Imprisonment. Confinement by sentence of law. Detention by legal process. The detention of another against his will; deprivation of liberty.

Improper. Unfit; unsuited to the time, place or occasion.

Improvement. A beneficial addition or change in real property. In patent law, an improvement is something auxiliary or collateral to another invention or patent.

Impubes. In Roman law, under the age of puberty; a boy less than 14, and a girl less than 12 years of age.

In adversam. Against an adverse or contending party. Applied to actions which are contested.

In aequali jure, melior est conditio possidentis. In case of equal right, the condition of the party in possession is the better.

In articule mortis. At the point of death.

In capita. Among heads. According to the number of individuals or heads.

In camera. At chambers; in private.

Digitized by Google

In criminalibus sufficit generalis malitia intentionis cum facta paris gradus. In criminal cases, general malice of intention is sufficient, with an act of equal degree. A maxim, meaning that a general criminal intent coupled with an unlawful act constitutes a crime.

In esse. In being; in existence. Something that has happened, not in posse, or that may happen.

In disjunctivis, sufficit alteram partem esse veram. In disjunctives, it suffices that either part is true.

Inconsideratione legis. In contemplation of law.

In extenso. At length, fully.

In extremis. At the end. At the point of death.

In facie ecclesiae. In the face of church; at the door of the church.

In favorem libertatis. In favor of liberty. In favorem vitae. In favor of life. Said of presumptions which favor one accused of a high crime.

In fictione juris semper aequitas existit. In legal fictions there is always equity; that is, a legal fiction is always consistent with equity.

In fieri. Being done; in process of completion.

In forma pauperis. In the manner of a pauper. Said of suits where the litigant is allowed to sue without paying or being liable for the costs.

In foro conscientiae. Before the tribunal of conscience; conscientious as distinguished from legal views.

In futuro. In the future; the opposite of in presenti.

In germio legis. In the breast of the law; in suspense, undecided.

In hac parte. On this side.

In haec verba. In these words.

In initio. From the beginning.

In invitum. Against an unwilling party.

In itinere. On a journey; in eyre, or on the circuit.

In jure. In law; according to law or right.

In jure, non remota causa, sed proxima, spectatur. In law, not the remote, but the proximate cause is considered.

In limine. In the beginning; upon the threshold; preliminary.

In loco parentis. In place of a parent.

In misericordia. In mercy; subject to a fine or amercement at the discretion of the king or judge.

In mitiori sensu. In a milder sense; from the most favorable view.

In mora. In default or delay.

In nubibus. In the clouds. In suspense, or obeyance.

In pari causa. In an equal cause; where the parties have equal rights.

In pari delicto. In equal fault; equally worthy of censure or blame.

In pari delicto, potior est conditio defendentis. In a case of equal

Digitized by Google

fault, the condition of the party defending is the better.

In pari materia. Upon the same subject or matter.

In perpetuam rei memorian. For the perpetual remembrance of a matter.

In personam. Against the person. A remedy where the proceedings are against the person rather than in rem, or against the thing.

In posse. In possibility, but not in actual existence.

In praesenti. At present; at the present time.

In propria persona. In his own person. One's own act.

In re. In the thing, or matter; in the matter of. Used to entitle judicial proceedings where there are not adverse parties.

In rem. Against a thing or property. Used to designate actions against a thing or property, rather than against a person.

In rerum natura. In the nature of things; that which exists as contradistinguished from the fictitious or spurious.

In solido. In whole; as a whole; a contract in solido, means that each is liable for the whole, and a payment by one is a payment for all; that is, a joint and several contract.

In totidem verbis. In so many words; in the exact words, or word for word.

In transitu. In transit; during transit or passage from one place to another.

In ventre sa mere. In the mother's womb.

In vinculis. In chains. In custody. Under contract.

Inadmissible. Not entitled to be received or admitted.

Inalienable. Not forfeitable; not subject to alienation or surrender.

Incerta pro nullis habentur. Uncertain things are held for nothing; that is, they are not regarded.

Incest. The carnal copulation of a man and woman related to each other in any of the degrees within which marriage is prohibited by law.

Incestuous adultery. Adultery with one related to the party within the prohibited degrees.

Inchoate. That which is begun, but not in full existence or operation.

Income. The profit or gains from business; property or other sources of wealth.

Incompetent. Not legally qualified; lack of legal capacity or power. As applied to evidence, the word means not proper to be received or considered in the action; inadmissible.

Incorporate. To unite in one body.

Incorporation. The act of forming into a corporation; the legislative act of authorizing the changing of a number of natural persons into an artificial one or company.

Incorporation by reference. The making of an instrument in writ-

Digitized by Google

ing a part of another in legal effect by referring to it so as to adopt its provisions.

Incorporeal. Without body; immaterial in nature.

Incorporeal chattels. Rights and interests of an incorporeal nature in chattels, as a patent right or copyright and the like.

Incorrigible. Incapable of being governed, corrected or reformed.

Inculpate. To involve in or accuse one of crime; to blame; to censure.

Incumbrance. A lien on or interest in land; a paramount claim or charge upon land; a right in third persons to the diminution of the value of the estate, but consistent with the passing of the fee.

Indecency. An act of indelicacy, or immodesty. Thus, exposing one's person in public, the exhibition of lewd pictures and the like.

Indecent. Immodest, impure.

Indecent assault. Taking indecent liberties with a female against her consent.

Indemnify. 1. To make compensation for a loss already sustained. 2. To give assurance or security against anticipated loss.

Indent. To cut in the shape of teeth, or in a waving line. An indented contract, or indenture.

Index. That part of a book or set of books which gives a brief summary of the contents, arranged in alphabetical order.

Index animi sermo. Language is the index of the intention; i. e., that is, language is the best guide to the intention.

Indicia. Appearances; indications; signs; the indications of; marks of identity.

Indictment. A formal written accusation or charge of crime, preferred upon oath by a grand jury at the suit of a government, upon a complaint made, and as a basis for a trial of the accused.

A written accusation against one or more persons of a crime or misdemeanor, presented to, and preferred upon oath or affirmation by a grand jury legally convoked. 4 Bl. Com. 299.

Indorsement. A writing on the back of a document or instrument. The writing of one's name on the back of a check, note or bill.

Indorser. The person who makes an indorsement.

Indorsement without recourse. An indorsement using the words "without recourse" or "sans recourse," by which the instrument is transferred, but saving any liability on the part of the indorser for its non-acceptance or non-payment.

Inducement. Motive. That which causes or compels a person to act. The preamble or explanatory part to the main charges or allegations in a complaint, plea, answer or other pleading.

Ineligible. Incapacity or disqualification to hold an office even if elected or appointed.

Digitized by Google

Inevitable. That which cannot be avoided.

Infamous. Notoriously wicked. One convicted of an infamous crime.

Infanticide. Killing of a child after it is born.

Infensare curiam. A court when it suggests to counsel something he has forgotten or is ignorant of.

Information. A complaint or accusation exhibited against a person for a criminal offense. An accusation in the nature of an indictment, presented under oath by a prosecuting officer without action by a grand jury. A complaint to recover a penalty under a statute or ordinance.

Informer. A person who informs or prefers an accusation against another charging the violation of some law or ordinance.

Infra aetatem. Under age; not of full legal age.

Infra annos nubiles. Under marriageable years; not of age to be married.

Infra dignitatem curiæ. Beneath the dignity of the court.

Infringement. In patent law, designates the trespassing or encroaching upon the previous right or patent of another.

Ingress, egress and regress. Words in a grant or lease expressing the right of the lessee to enter, go upon and return from the lands granted.

Inhabitant. One who has his domicile in a place; a dweller or householder having a fixed residence in a place.

Inheritable blood. Blood capable of transmitting an inheritance.

Inheritance. An estate which passes by law from the ancestor to the heir; the right to succeed to the estate of a person who dies intestate.

Initial. Beginning; relating to the beginning of anything. The first letter of a word or name.

Initiate. Commenced; to install.

Injunction. The name of a writ issued by a court of chancery forbidding or commanding the doing of some act and directed to an individual or the officers and agents of a company or corporation.

Injunction, mandatory. One that commands the defendant to do a particular thing or which forbids a thing to continue, or directs it to be discontinued or removed.

Injunction, perpetual. One which prohibits the defendant from doing an act or continuing the existence of a thing for all time; the same as final injunction.

Injunction, preliminary. One granted to restrain acts pending the termination of a suit or action.

Injury. A wrong or damage to a man's person or goods; a loss caused unlawfully or wrongfully.

Inland. Domestic. Within the country or territorial sovereignty.

Digitized by Google

Inn. A place kept for the purpose of lodging and sheltering travelers for reward; a public house, or tavern.

Innkeeper. A person who makes it his business to provide lodging and entertainment for the public for a compensation; the keeper of a common inn.

Innuendo. To hint at; meaning; an explanatory phrase used in pleading, and which serves to point out the true meaning of some preceding word or statement. An averment of the meaning of alleged libellous words.

Inops consilii. Without legal counsel.

Inquest. An inquiry into a special matter by a jury impaneled for that purpose. A proceeding for the determination of damages or values where no defense has been made. Also, a body of men appointed by law to inquire into matters presented to them.

Inquest of office. An inquiry made by an officer of the king or state concerning any matter which entitles the king or state to lands or property.

Inquisition. Inquiry; an examination and finding of certain facts by a jury summoned for the purpose; also, the return made by such a jury.

Insane. Mentally deranged.

Insanity. The prolonged departure without any adequate cause from states of feeling and modes of thinking usual to the individual in health. Bouv.

Insanity, emotional. Temporary mental disorder caused by extraordinary excitement or passion.

Insanity, temporary. Temporary mental derangement; a delirium; a passing derangement of intellect.

Insimul computassent. They accounted together; the leading words in a count upon an account stated.

Insolvency. The condition of one who has not sufficient property to meet his obligations as they fall due.

Insolvent. One unable to pay his creditors. A bankrupt. The condition of being without means to pay one's debts.

Inspection. An actual examination; observation of the corpus of a subject. The exercise of the right of examining public documents by a citizen.

Installation. The ceremony of inaugurating an office; the qualifying of an official for his office or position.

Installment. A partial payment; also used in the sense of installation.

Instanter. Forthwith; instantly; without delay.

Institutes. Commentaries upon legal subjects; a comprehensive review of the principles of jurisprudence. Thus, Justinian's Institutes of the Civil Law; Coke's Institutes of the English Law.

Institutes of Justinian. An elementary, though comprehensive, treatise on the Roman law, com-

Digitized by Google

piled about 533 A. D. by Tribonian, under the direction of Justinian. A part of the Corpus Juris Civilis.

Institutes of Lord Coke. A series of four volumes compiled by Lord Coke covering the field of English law. The first volume is upon Littleton's Treatise on Tenures; the second, on old Acts of Parliament; the third, on Pleas of the Crown, and the fourth, on the Courts.

Insure. To contract to indemnify one from pecuniary loss from specified perils.

Insurance. A contract whereby one person, in consideration of a premium or payment, agrees to pay a certain amount on the happening of an event stated.

Insurable interest. That interest or relation which the person insured must bear to the person or property insured as to justify his right to contract for indemnification for its loss.

An engagement to insure one who has no interest in the subject insured amounts merely to a wager upon its continued existence, and is, in general, void.

Insurance, fire. Insurance against loss or damage by fire.

Insurance company. A company or corporation engaged in the business of writing insurance.

Insurance policy. The document or printed form upon which the contract of insurance is drawn up, and which evidences the rights and liabilities of the parties thereto.

Insurance, life. A contract by which the insurer, in considerations of premiums paid, agrees to pay a stipulated amount to the estate of the insured, or to the person mentioned in the policy, on the death of the insured. There are also forms of life insurance by which the amount to be paid becomes due after a specified term of years, or at death if it shall happen before the period set.

Insurance, employer's liability. An insurance contract by which the employer of laborers is indemnified against claims for damages for injuries sustained by the employes while in his service.

Insurance, marine. A contract of indemnity by which one party, for a stipulated premium, undertakes to indemnify the other, to the extent of the amount insured, against all perils of the sea, or certain enumerated perils to which his ship, cargo and freight, or some of them, may be exposed during a certain voyage or fixed period of time. Bouv.

Insurrection. An uprising of subjects in resistance to their constituted government.

Intemperate. One who is in the habit of getting intoxicated, or drinking to excess.

Intendment. The true or proper meaning.

Intent. The purpose with which one does an act. Purpose; design. Also, the presumption of

Digitized by Google

law arising from the nature of the act.

Inter. Among; between.

Inter alia. Among other things.

Inter alios. Between others, or strangers; between those not affected by the controversy.

Inter conjuges. Between man and wife.

Inter partes. Between parties. A term applied to deeds and contracts wherein two parties each covenant or agree to perform some engagement.

Inter se, or **inter sese.** Between themselves.

Inter vivos. Between the living, or living persons. Used to distinguish the ordinary gift from one donatio mortis causa, or in contemplation of death.

Interdict. A prohibitive order. To forbid a thing to be done.

Interdiction. A prohibition of commercial intercourse between citizens and the subjects of some country against whom the interdiction is launched. Also, depriving a person of his civil rights; or excluded from the management of his property by reason of incapacity or imbecility.

Interest. A claim to advantage or benefit from a thing; any right in the nature of property, though less than title; a part or share in a thing. Also, a bias or prejudice supposed to arise from having relation to or pecuniary profit in a controversy. Also, the compensation, percentage, taken or charged for the use of money.

Interim. In the meantime; meanwhile.

Interlineation. A writing between the lines.

Interlocutory. Something done during the pendency of an action, but which is not final or conclusive of the cause.

International law. The law of nations; a system of rules and precedents which have come to be recognized as governing principles in regulating the affairs of civilized nations in peace and war.

Interpleader. The right of a person who has possession of an article or thing, but no title thereto, which is in controversy between two or more claimants, to file his bill, called a bill of interpleader, and ask the court to decide their contention so that he may know which of the parties is properly entitled to the article.

Interpret. To ascertain the meaning of words or language; also, to translate from one language to another.

Interrogatories. Formal written questions which may be asked of the adverse side in a pleading; also, the questions asked of a witness; also, questions propounded to a jury for their findings on matters of fact.

Intestate. Without a testament or will. Applies to both the person who has died without mak-

Digitized by Google

ing a will and to his state or condition of intestacy.

Intoxicating liquors. Those the use of which is ordinarily or commonly attended with entire or partial intoxication.

Intrusion. The wrongful taking possession of real property by one who has not even color of title, to the prejudice of the tenant next in reversion or remainder.

Invalid. Not of binding force or legal efficacy.

Invent. To contrive something new; to create or produce something previously unknown.

Invention. The process of thought and experiment by which something novel is developed or produced. Also, the thing thus produced.

Inventory. A list or schedule containing a written enumeration of articles, with their description and appraised value.

Invest. To clothe with office, dignity or authority; to bestow title upon one. Also, to lay out money or capital in some permanent form, or in some project, for the purpose of securing an income therefrom.

Investment. The act of investing. Also, the project or enterprise in which the money has been invested.

Invito domino. Against the will of the owner.

Invoice. A written statement of goods or merchandise, showing their nature, quality and quantity, given between merchants, or furnished with a consignment of goods.

Ipse. He; himself; the same.

Ipse dixit. He himself said it; hence, a bare assertion, without other authority.

Ipso facto. By the fact itself.

Ipso jure. By the law itself; that is, by the operation of the law alone.

Irrelevant. Not material to an issue; lacking pertinence or adaptation to assist in the illumination of an issue.

Irrelevancy. The quality of not being material to the issue.

Irrelevant evidence. That which does not support the issue.

Irreparable injury. An injury which cannot be properly or adequately redressed in a court of law; that which cannot be put back again or retrieved, or atoned for.

Irresistible force. An uncontrollable force.

Irrevocable. Something that cannot be changed at the will of the party; not subject to recall.

Issue. Offspring or lineal descendants. All persons descended from a common ancestor. Also, a question or controversy affirmed by one and denied by another; the matter which is to be tried in an action.

Ita lex scripta est. So the law is written; meaning that the law must be obeyed, regardless of hardships.

Item. Also; a charge in an account.

Digitized by Google

J.

Jactitation. False boasting; a questionable assertion repeated to the prejudice of another's right. A sort of slander of title.

Jactitation of marriage. A false boasting or statement that one is married to some other person in order to establish a marriage by reputation. See 3 Bl. Com. 93.

Jail. A prison; a building designated by law, and kept by the sheriff for the confinement of persons held in legal custody.

Jail-delivery. Disposing of the cases of accused persons awaiting trial. Also, forcible liberation of those confined in a jail.

Jail liberties, or limits. The established limits or space around the jail within which a prisoner was allowed to go at large. Prison bounds.

Jailor. The keeper of a jail.

Jeofail. An error, mistake or oversight; a pleader's acknowledgment of an error in the pleadings which were allowed to be cured or amended by the statute of Jeofails.

Jeopardy. Danger; peril.

Jeopardy, in. One who is in jeopardy, within the provisions of the constitution forbidding one to be twice put in jeopardy of life or limb for the same offense, who has been once placed upon his trial before a competent court and jury, charged with his case on a valid indictment, unless such jury be discharged without rendering a verdict, from a legal necessity, or from cause beyond the control of the court, such as death, sickness, or insanity of some one of the jury, the prisoner, or the court, or by consent of the prisoner. 38 Cal. 467.

Jetsam. Goods thrown from a ship which sink, as distinguished from those which float, styled flotsam.

Job. The whole of a thing required to be done; an undertaking.

Joinder. Coupling; uniting; the uniting of various things together.

Joinder in demurrer. The acceptance by another party of an issue of law tendered by demurrer. The joinder of actions. The joining of two or more rights of action in one suit.

Joinder of issue. The acceptance of an issue of fact for trial which has been affirmed on one side and denied on the other.

Joinder of parties. The uniting of two or more parties, plaintiffs or defendants, in one suit.

Joint. Combining; united in interest or liability.

Joint action. A suit by two or more persons who are united in interest.

Joint and several. Where two or more persons are obligated collectively who are also individually liable; i. e., in a joint and several contract the obligee may,

Digitized by Google

at his option, proceed against one or all of the obligors.

Joint contract. One in which the contractors are bound jointly and not severally.

Joint indictment. One indictment brought against two or more persons as being together guilty of the offense alleged.

Joint lives. An expression indicating that a right has been granted to two or more persons to be enjoyed while both live.

Joint stock association or company. An unincorporated association, having articles of association and a capital stock devoted to a common purpose, under an organization analogous to a corporation. Also, an association or body of persons possessing some of the powers of corporations, conferred by statute, but not a full-fledged corporation.

Joint tenancy. An estate created by unity of title possession, an interest and time of enjoyment, in several persons.

Joint tenants. Two or more persons to whom are granted lands or tenements to hold in fee simple, fee-tail, for life, for years, or at will. Under joint tenancy the death of the tenant worked no division of the property, the survivor or survivors taking the whole estate.

Jointure. A settlement upon a woman of an estate or property, in lieu of dower or in consideration of marriage. Also, an estate held by husband and wife in entireties.

Journal. Any book kept as a record of daily proceedings. Also, in bookkeeping, an abstract of the day book, and not a book of original entries.

Judex. In Roman law, a judge; an officer who administers justice and interprets law. In old English law, a juror.

Judex a quo. A judge from whom an appeal is taken.

Judex ad quem. A judge to whom an appeal is taken.

Judex æquitatem semper spectare debet. A judge ought always to regard equity.

Judex bonus nihil ex arbitrio suo faciat, nec propositione domesticæ voluntatis; sed juxta leges et jura pronunciet. A good judge may do nothing from his own judgment, or from the dictate of private will; but let him pronounce according to law and justice.

Judex damnatur cum nocens absolvitur. The judge is condemned when the guilty person escapes punishment.

Judex est lex loquens. A judge is the law speaking.

Judex habere debet duos sales; salem sapientia, ne sit insipidis; et salem conscientiæ, ne sit diabolus. A judge should have two salts; the salt of wisdom, lest he be insipid; and the salt of conscience, lest he be devilish.

Judex non potest esse testis in propria causa. A judge should not be a witness in his own cause.

Digitized by Google

Judex non potest injuriam sibi datam punire. A judge cannot punish an injury to himself.

Judge. A public officer lawfully appointed to preside in courts of law and having authority to decide points of law and control the proceedings in the trial of litigated questions. An officer who has jurisdiction to hear and determine a suit at law.

Judge's certificate. In England, a written statement by the judge trying the cause that one of the parties is entitled to costs in the action.

Judgment. The sentence of the law pronounced by a court in a cause of which it has jurisdiction. A matter of which it has jurisdiction, and presented by the record of proceedings, or submitted in the trial of the case.

Judgment by confession. A judgment entered on the written acknowledgment by the defendant at the claim of the plaintiff as legal and proper; also applied to judgments taken by warrant of attorney from the defendant.

Judgment by default. A judgment taken or entered when the defendant neglects to defend, or because the plaintiff has failed to prosecute.

Judgment creditor. A creditor whose claim has been put in judgment and remains unsatisfied.

Judgment debt. The sum due by a decree or decision of a court; one evidenced by judgment.

Judgment debtor. The person against whom a judgment has been obtained and which stands unsatisfied.

Judgment, dormant. One which has not been enforced for so long that under the statutes it cannot be enforced without first reviving it.

Judgment, nisi. A conditional one; one which will become final unless otherwise ordered by the court within the first four days of the next term.

Judgment non obstante veridicto. A judgment for plaintiff notwithstanding a verdict for defendant; one entered where it is found after verdict but before judgment that the pleas on which it is based are not a sufficient defense.

Judgment of nolle prosequi. A judgment entered on plaintiff's declaration that he will not further prosecute his action. Abbreviated nol. pros.

Judgment note. A promissory note which, in addition to the usual context of a note, contains a power of attorney directing entry of judgment by confession against the maker upon default of payment.

Judicature. Pertaining to the administration of justice.

Judicature acts. The English statutes during the reign of Queen Victoria changing the organization and the fundamental principles of procedure in the English courts.

Judicial. Pertaining to the administration of justice in courts of law. Involving the exercise of discretion.

Digitized by Google

Judicial decision. The determination of the court or judge in a legal action.

Judicial discretion. The limited power confided to a judge to decide, upon his own judgment, various collateral or minor matters. Judicial discretion means a discretion to be exercised in discerning the course prescribed by law. 26 Wend. 143.

Judicial writ. In English practice, all writs subsequent to the original writ which was issued out of the chancery, issued from the court in which the original was returnable and were called judicial writs, the others being termed original writs.

Judiciary. The body of officers or judges who have charge of the administration of justice; the courts or judges of a government collectively.

Judicium a non suo judice datum nullius est momenti. A judgment given by an improper judge is of no moment.

Judicia posteriore sunt in lege fortiora. The latter decisions are the stronger in law.

Jura. Rights; laws.

Jura naturæ sunt in immutabilia. The laws of nature are unchangeable.

Jura summa imperii. The supreme rights of dominion.

Jurat. An abbreviation of the Latin word juratum, meaning sworn; hence, that part of an affidavit where the officer certifies that the same was "sworn" before him is called the jurat.

Juris et de jure. Of right and by law; a term applied to conclusive presumptions.

Jurisdiction. The authority by which judicial officers take cognizance of and decide causes. The power to exercise authority over persons or things within a district. The authority of a court as distinguished from other governmental departments.

Jurisprudence. A system of laws; the science of the law.

Jurist. One learned in the law. One skilled in civil law or in the law of nations.

Juror. Member of a jury; also, one who takes an oath.

Jury. A body of men, usually twelve in number, summoned and sworn to decide the facts in issue in a cause.

Jury list. A paper containing the names of jurors summoned for the term or to try a cause.

Jury process. The writ or summons by which a jury is collected or subpœnaed.

Jury, struck. A struck jury is one made up of a list of names larger in number than required, from which each party strikes a specified number of names, the remaining names constituting the jury.

Jury wheel. The wheel in which names of electors eligible to jury service are placed, and from which the names of those to be used at each term are drawn.

Jus. Law; right; justice. An abstract right or law, as distin-

Digitized by Google

guished from ordinances or statutes.

Jus accrescendi. The right of survivorship.

Jus ad re. A right to a thing.

Jus disponendi. The right of disposing of a thing.

Jus ex injuria non oritur. A right cannot arise from a wrong.

Jus et fraus nunquam cohabitant. Right and fraud never dwell together.

Jus gentium. Law of nations. International law.

Jus in re. A right in a thing.

Jus naturali. The law of nature; natural law.

Jus personarum. Rights of persons.

Jus postliminii. The right of the owner to reclaim property after recapture.

Jus scriptum. Written law.

Justice. The constant and perpetual disposition to render every man his due, according to the principles of law. The name of a judicial officer; a judge.

Justice of the Peace. A public officer invested with limited judicial powers for the trial of small cases specified by statute, and to entertain criminal complaints and commit offenders.

Justice's court. The court held by a justice of the peace.

Justifiable. That which is rightful or excusable; that which can be sustained in law.

Justifiable homicide. The killing of a human being under circumstances which are sufficient to exculpate the person doing the act.

Justification. In pleading, stating a cause or reason why a defendant might lawfully do the act which is complained of. Also, a term used to indicate the qualifying of sureties or persons who desire to go on a bail bond, which is styled justifying bail.

K.

Keep the peace. To refrain from creating a disturbance; to be law-abiding.

Keeper. One having charge of something. One who maintains or controls a thing or enterprise.

Keeper of the Great Seal. The title of the officer who had charge of the great seal of England, and whose duty it was to place the seal upon all documents signed by the king.

Kidnapping. The offense of taking a person by force or fear and against his will, with intent to carry him to another place.

The forcible abduction or stealing away of a man, woman or child from their own country and sending them into another. 4 Bl. Com. 219.

Digitized by Google

Kill. To deprive of life.

Kin. Kindred; relations.

Kin, next of. Nearest blood relations; those who inherit the personal estate of an intestate.

King. The main sovereign of a country or nation under a monarchical form of government.

Kingdom. A country or a jurisdiction subject to a monarchical government.

Knight. In early England, one who bore arms and was given this title by the king as a mark of distinction or honor; a dignity above that of gentleman but below the nobility.

Knight service. A species of feudal tenure in which the service was free but uncertain, consisting of military service.

Knowingly. With reference to actual personal knowledge.

Knowledge. The act of knowing; notice; information; a clear perception of the truth.

Knowledge, personal. That which one knows from the perception of his own senses and has not been derived from information from others.

Known. To have knowledge of, to recognize; the term does not import absolute knowledge, but includes information and belief.

L.

L. The twelfth letter of the alphabet. As a Roman numeral it stands for 50.

Label. In English conveyancing, a narrow slip of paper affixed to a deed or other writing to bear the seal. Ordinarily it is a tag or slip of paper attached to articles for the purpose of distinguishing them, or describing them.

Labor. Any kind of physical or mental exertion; but ordinarily used in the sense of the more onerous or inferior kind of work or service.

Laborer. One who works with his hands. In English statutes applies to a servant employed in husbandry or manufactures.

Labor Union. A combination or association of laborers for the purpose of fixing the rate of their wages and the hours of work, for their mutual benefit and protection, and for the purpose of righting grievances against their employers. Bouv.

Laches. Slackness or unreasonable neglect to do a thing; delay or negligence in respect to something which it is a person's right or duty to do at a certain time in order to protect his own rights.

Læsa Majestas. Lese majesty; or injured majesty. Any offense against the king's person or dignity. High treason.

Lahman. Anciently, the term for lawyer.

Laity. In England, all persons not belonging to the clergy.

Digitized by Google

Land. Originally the term applied only to such as could be plowed. Now the term applies to all sorts of soil or ground, and is of equal significance with "realty" and "real property."

Land, improved. Cultivated or reclaimed land; also, that on which buildings have been placed.

Landlord. The owner of land who has leased or rented it to another is so styled.

Landlord and tenant. The relation existing between the parties to the contract of lease of lands and tenements.

Land tenant. The person in actual possession of the land, the correlative of landlord; also styled **terre tenant.**

Land Warrant. A negotiable government certificate entitling its holder to be put in possession of a designated quantity of public land under a land grant or other appropriation of land by Congress. Bouv.

Land, tenements and hereditaments. A phrase used to designate all sorts of real property.

Lapse. A slip or failure; to become of no avail or void; a species of forfeiture.

Lapsed legacy. The failure of a testamentary gift by reason of the devisee or legatee dying in the testator's lifetime.

Larceny. The offense of taking and carrying away something of a personal nature, with a criminal design to profit by depriving another of property in it.

Larceny is the felonious and fraudulent taking and carrying away of the mere personal goods of another. 3 Inst. 107.

Larceny, grand. At common law, grand larceny consisted in the stealing of an article or articles above the value of more than twelve pence; now the amount making the offense grand larceny is fixed by statute and varies somewhat.

Larceny, petit. At common law, larceny of property of the value of twelve pence or under; now under the amount fixed by statute.

Lascivious carriage. Wanton or lewd acts between persons of different sexes who are not married to each other, which do not amount to crimes against chastity and public decency.

Last heir. He upon whom lands are cast by escheat for want of lawful heirs.

Last resort. Used in reference to the highest court to which a case may be carried.

Last sickness. The illness of which a person dies.

Last will. The one of latest date.

Latent. Concealed; hidden; not open.

Latent ambiguity. One which lies beneath the surface and is not open or apparent on the face of an instrument. A latent ambiguity is where words apply equally to two different things or subject-matters.

Digitized by Google

Latent defect. Such a defect or blemish in an article or thing as is not apparent or open on inspection to the casual purchaser.

Lateral support. The right that a person owning land has of having his land and the buildings thereon supported by the land adjoining. It exists only with respect to the soil in its natural condition.

Latin-Americans. The nations or states of Central or South America are so called.

Latitat. He lurks or lies here. An old English writ, calling the person against whom it was issued to answer in the Court of King's Bench.

Law. Rules laid down by governing power; that which is established; a rule or method of action; order of sequences.

A rule of civil conduct prescribed by the supreme power of a state, commanding what is right and prohibiting what is wrong.

A rule of conduct contained in a command of a sovereign addressed to the subject.

Law, adjective. Secondary or dependent law. The rules established for the administration of substantive law, or for the enforcement of rights or remedies. That part of the law which establishes and enforces remedies.

Law, common. Those principles, usages, and rules of action applicable to the government and security of persons and of property, which do not rest for their authority upon any express and positive declaration of the will of the legislature. 1 Kent, 492.

Law, ex post facto. See Ex post facto law.

Law, maritime. The rules and customs relating to matters which arise out of commerce and navigation on the seas and navigable waters. It consists of principles adapted from other nations, statutes and the decisions of the courts, having developed like the common law.

Law, merchant. The commercial usages and customs which have become rules of action in reference to mercantile matters and comprising the general commercial usages in matters of trade or commerce.

Law of nations. Another term for international law.

Law of the land. The phrase "the law of the land" means general and public laws equally binding upon every member of the community. 2 Yerg. 270.

By the law of the land is most clearly intended the general law which hears before it condemns, which proceeds upon inquiry and renders judgment only after trial. The meaning is that every citizen shall hold his life, liberty, property and immunities under the protection of general rules which govern society. Everything which may pass under the form of the enactment is not the law of the land. Webster, in Dartmouth College Case.

Law, French. A term applicable to the French words and phrases

Digitized by Google

found in the old English law books is so termed.

Law, Latin. A term employed to designate the Latin words and phrases in the old English law.

Law reports. A general term in England and America to designate the published decisions of the courts.

Lawful. Legal; not contrary to law. Sanctioned by law; according to law; rightful.

Lawful age. The age of majority.

Lawful issue. Heirs.

Lawsuit. A vernacular term for action at law or suit in equity, and the like.

Laws of Oleron. A collection of maritime laws of the 12th century, said to have been compiled by Richard I, on the Isle of Oleron.

Lawyer. A vernacular term for attorney-at-law; one skilled in the law. It makes no discrimination between the functions of the advocate, barrister, counselor, attorney, solicitor, proctor, conveyancer, etc.

Lay. That which relates to persons or things not ecclesiastical or those unconnected with a profession. To allege; state.

Laying the venue. In pleading, stating the county in which the action is brought.

Le Roy. The law-French word for king.

Le Roy le veut. The king wills it. The ancient form of the royal accent to acts of parliament of a public nature.

Leading case. A reported decision which has come to be generally regarded with approval as accurately stating or settling in law on the question or questions involved.

Leading question. One which puts into the mouth of the witness the answer desired, or suggests the answer. This method of asking questions is called leading a witness.

Leakage. The loss or waste of liquids; escape from a cask or vessel. Also, an allowance made for such loss in the shipment of liquid merchandise.

Leap Year. A year having 366 days. Any year divisible by four except those divisible by one hundred and not by four hundred is a leap year.

Lease. A contract for the letting of lands, tenements or hereditaments to another for life, years, or at will for a rental; also, the contract or instrument evidencing such a letting.

Lease and release. A species of conveyance in common use in England, under the statute of uses, which, while consisting of two instruments, was practically but one, and was designed to get around some of the conditions imposed by the statute of uses.

Legacy. A gift of personal property by will. A bequest.

Legacy, absolute. A legacy which vests at once and without condition.

Legacy, contingent. One not to be delivered until the happening of some uncertain event.

Digitized by Google

Legacy, general. One payable out of any of the assets of the deceased.

Legacy, specific. One which gives a designated article or money, or is directed to be paid out of a particular fund.

Legacy, vested. One which is so given as to convey a transmissible interest. One where the person who is to receive the same is in being at the death of the testator.

Legal. In accordance with law; not inconsistent with the law of the land. An action cognizable in a law court as opposed to an equity court.

Legal assets. Such assets or property of a testator as may be disposed of by the order of the law court as distinguished from equitable assets.

Legal cruelty. A term indicating such a degree of abuse or violence as is sufficient to warrant a divorce.

Legal estate. Ownership recognized by law, as distinguished from equitable estate.

Legal memory. A phrase meaning before the time of living memory. As far back as the beginning of the Reign of Richard I.

Legal notice. Such notice as is required by law to be given for the specific purpose or in a particular case. A notice required by law as distinguished from one agreed upon between the parties.

Legal duty. Some obligation imposed upon a person as a matter of law.

Legal tender. That kind of money or currency which the law makes valid as a tender for payment of a debt.

Legality. Lawfulness; conformity to the law.

Legalize. To make or render lawful; to give authority of law to that which takes it.

Legatee. A person to whom personal property is given by will.

Legation. An embassy; the persons sent upon a diplomatic mission by one government to another, also, the residence of such persons.

Legem; Leges. Latin words meaning law.

Legem facere. To make law; to make oath with compurgators in support of one's cause.

Leges posteriores priores contrarias abrogant. Latter laws abrogate the prior laws contrary to them. Thus, subsequent statutes operate to repeal by implication earlier statutes with contrary provision.

Legislate. Making of laws.

Legislator. A member of a law body.

Legislature. The assembly or body of persons in a state or nation having authority to pass laws.

Legit vel non. Does he read or not? An ancient question propounded to one seeking the benefit of clergy, to which the affirmative answer was legit ut clericus, he reads as a clerk.

Digitized by Google

Legitimacy. Lawfulness, or lawful birth; authorized; made or done as a matter of right.

Legitimatize. To make legitimate.

Legitime imperanti parere necesse est. To one rightfully commanding it is necessary to yield obedience.

Legitimation. The act of giving the character of legitimate children to those who were not so born. Bouv.

Lent. The annual forty days of penitence before Easter, extending from Ash Wednesday to Easter.

Leproso amovendo. An ancient writ to remove a leper out of a parish.

Lessee. The person to whom a lease is given; the holder of an estate under a lease.

Lessor. He who grants a lease.

Let. Permit; to lease; to demise. Also, an obstruction or a hinderance.

Letter. The designation of one of the parishers or signs used in written language and which constitute the alphabet. The person, who lets his property to be used by another, for a compensation received. An epistle or communication in writing.

Letter-book. A book, in which copies of correspondence is kept.

Letter of attorney. An expression equivalent to power of attorney. The instrument in writing executed by a principle appointing another his agent or attorney.

Letter of credit. A letter or communication from one person to another, or one bank to another, authorizing the extension of credit to the bearer, and pledging the writer's credit for such advances.

Letter of marque. A commission issued by a government authorizing a private person to seize the property belonging to a foreign state or any of its citizens or subjects.

Letters patent. The designation of a written grant by the government to a person of some right or privilege, or a title to land.

Letters rogatory. A written request by a judge or court to another court or judge in a different jurisdiction for the purpose of securing evidence or answers to interrogatories in a cause pending before the court granting the letters.

Letters testamentary. The authority or documents issued by the probate court to the executor after the probate of a will, authorizing him to act in such capacity.

Levant et couchant. Rising up and lying down. A phrase applicable to trespassing cattle who have been on the ground of another long enough to have lain down to rest and risen up to feed.

Levari facias. That you cause to be levied a writ of execution at the common law.

Levitical degrees. Those degrees of relationship or kinship within which marriage was prohibited as enumerated in the laws of

Digitized by Google

Moses and recorded in Leviticus, ch. 18, and adopted by English and American Law generally.

Levy. Anciently to erect; to lift up. To collect. To exact; to take into legal custody; to secure money or property by seizure, as upon execution. Also, to assess or impose, as to levy a tax.

Levy war. To assemble a body of men in order to resist with force and arms the enforcement of the law, or for the purpose of subverting the government.

Lewdness. A general term signifying sexual impurity or immorality. Lustful; public indecency.

Lex. Law. In Roman Law, a rule for the government of mankind in society, or of a whole community.

Lex Angliæ. The Law of England. Also, the common law.

Lex fori. The law of the forum. The law of the place or jurisdiction where a remedy is sought. The phrase is usually contrasted with lex loci contractus, meaning the place of contract.

Lex loci. The law of the place, or local law.

Lex loci contractus. The law of the place of the contract.

Lex loci rei sitæ. The law of the place of the situation of the thing, i. e., the law of the place where the thing or property is situated.

Lex mercatoria. The law merchant. The system of laws, or customs prevailing among merchants, which were adopted into and became a part of the common law.

Lex neminem cogit ad vana seu inutilia peragenda. The law compels no man to do that which is vain or useless.

Lex non cogit non ad impossibilia. The law does not compel one to do the impossible; i. e., if the doing of a thing is impossible the law will excuse its performance.

Lex non scripta. The unwritten law. A phrase which is applied to the common law since it was not written down formally like statute law.

Lex scripta. Statute law.

Lex terræ. The law of the land. An expression equivalent to due process of law.

Ley. The old French, for law or lex.

Liable. Answerable; amenable. To be obligated or responsible for.

Liability. Responsibility under the law; the status or condition of one who is required to do something by judicial order.

Liability may include punishment for crime as well as amenability to civil remedies. 3 Dill. 5, 32.

Libel. A malicious defamation by printing, writings, signs, pictures or other method which tends to provoke a breach of the peace, or to expose the individual against whom directed, to public contempt, hatred or ridicule.

The name of a wrong, also, an offence, consisting in a censori-

Digitized by Google

ous or ridiculing writing, picture, or sign, made with a mischievous intent towards government, magistrates, or individuals. 3 Johns Cas. 337, 354.

Any publication the tendency of which is to degrade or injure another person, or to bringing him into contempt, ridicule, or hatred, or which accuses him of a crime punishable by law, or of an act odious or disgraceful in society, is a libel. 4 Mason, 115; 3 How. 266, 291.

Libellant. The party who files a libel, or the complainant or plaintiff in an admiralty ecclesiastical suit, is so termed, while the defendant in such an action is termed the libellee.

Liber. A book. Also means to be exempt from a charge or burden.

Liber homo. A free man.

Liberty. Freedom from restraint. A right to do as one sees fit, provided the rights of others are not infringed or violated. Such free will as is allowed individuals in a civilized state under and by virtue of its constitution and laws. Also, formerly, signified a privilege held by grant or prescription.

Liberty, natural. Freedom to act without restraint or human law.

Liberty of contract. That freedom to contract, or abstain from contracting, which the citizen and subject has under the law.

Liberty of speech. The common right of free speech. The right to speak and express one's opinions without restraint except those imposed by the law of the land.

Liberty of the press. The constitutional freedom from censorship or restraint as to what one shall print or publish.

License. Permission; consent to do that which would without such consent be illegal or unlawful.

Licentia loquendi. Leave to speak. An imparliance.

Licentiousness. Originally, doing what one pleases, in an unrestrained manner and without regard to the rights of others. Also in a narrower sense the word is equivalent to lewdness.

Licet. Lawful; allowable. Also, although.

Lien. An obligation or claim possessed by one person against the property of another to secure a debt or contract. Also, a right to retain the property of another, until certain demands or claims are satisfied.

Lien by operation of law. One given by law because of the situation or relation of the parties.

Lien, charging. A lien which charges property while yet in the possession of him who owes the debt or duty.

Lien, common law. The right which the common law gives to retain an article from which some service has been rendered, until said service has been paid or satisfied.

Lien, equitable. A lien or charge allowable only in equity, or only enforceable in equity.

Digitized by Google

Lien, general. That right which one having possession of property of another has to hold the same until a general demand is satisfied.

Lien, mechanic's. The name of a class of charges or rights given to those who perform work and labor, or furnish materials for the improvement of the land or property of another, to charge said land or property with the cost of the same, irrespective of contract by way of mortgage. These liens are usually created by the statute, which regulates them and stipulate what the lienholder must do in order to secure and retain his lien.

Lien, statutory. One given by statute.

Lien, vendee's. An equitable lien given a purchaser of property upon the article bought, before it has come into his possession.

Lien, vendors. An equitable lien which the seller has upon the article sold for the unpaid purchase money.

Life. The period between birth and death. It signifies the possession of animate existence.

It commences, for many legal purposes at the period of quickening, when the first motion of the foetus in uterois perceived by the mother. 1 Bl. Com. 129.

Life, civil. The period during which a person is in the full enjoyment of civil rights.

Life estate. An estate of freehold; an estate or right of ownership in a thing limited by a life or lives.

Life interest. A claim or right of enjoyment, less than full ownership, and limited by a term of life, whether that of the person in whom it is vested, or that of another.

Life policy. A term meaning a policy of insurance upon the life of a person.

Limit. To fix the extent of; to bound.

Limitation. A restriction. A specified time within which stipulated acts are to be performed, or stated things to happen.

Limitation of action. That term or period prescribed by law within which a right of action must be sued upon, or it will thereafter be barred.

Limitation, conditional. An estate the existence of which, depends upon an uncertain event.

Limitation, words of. The terms or words which limit or qualify the estate granted in a deed or other conveyance.

Limited company. One in which the liability of the shareholders is limited by law to the amount of their respective interest or stock.

Limited divorce. One which does not work a complete or absolute dissolution of the marriage; one form, bed and board only; i. e., a divorce a mensa et thoro.

Limited jurisdiction. A term applied to a court, judge, or tribunal having jurisdiction only to hear and determine certain special matters, or whose authority

Digitized by Google

in regard to these matters is not complete.

Limited partnership. A kind of partnership authorized by statute in many of the states, wherein the liability of certain special partners, is limited to the specific amount of capital which they have contributed, while the other or general partners are liable as in the ordinary partnership.

Line. A limit or boundary. In descents, it signifies the series of persons descended from a common ancestor, as father, son, grandson, etc..

Linea recta semper prae furter trans versali. The direct line is always prefered to the collateral. A maxim of descent.

Lineal. Signifies in the law of descent the immediate descent, and is not applied with collateral relationship.

Lineal consanguinity. That relationship which exists between persons each of whom is related in a direct line to another, ascending or descending.

Liquidate. To adjust or settle an indebtedness; to determine the amount to be paid.

Liquidated damages. Are those which have been ascertained and fixed as distinguished from uncertain and disputed claims.

Lis. A controversy; an action or proceeding at law.

Lis mota. A legal controversy which has come into being, but on which suit has not been started.

Lis pendens. A suit pending. The designation of an action or judicial proceeding after suit has been commenced and before its termination. The legal notice which a pending suit overtitled to land gives to the public that the title thereto is in question.

Litem suam facere. Making a suit his own. A phrase applied to a court or judge who shows partiality in a legal controversy.

Literal. According to the words, or language; a construction which adheres closely to the exact language of the instrument, without making differences or extrinsic circumstances.

Literary property. That property which an author or his heir or assigns has in the reproduction of copies of a literary composition.

Litigation. The conduct of a controversy in a court of law.

Litigant. One of the parties to a lawsuit, plaintiff or defendant.

Litigious. Subject to a lawsuit or litigation; open to judicial controversy. Also, in a vernacular sense, inclined to litigation, over anxious to sue or defend lawsuits.

Littleton. The author of Littleton's Tenures, upon which Lord Coke wrote an extensive comment. The Tenures were written during the reign of Edward IV.

Livery. 1. In English law, the giving of possession of lands to the person who was to hold as a tenant or as owner; equivalent

Digitized by Google

to our transfer or delivery of title or possession.

2. A suit or garment furnished by the master to his servant.

Livery of seisin. A delivery of possession of lands, tenements, and hereditaments unto one entitled to the same. This was a ceremony used in the common law for the conveyance of real estate. 2 Bl. Com. 315.

Lloyd's. An association in the city of London, for marine underwriting or insurance.

Lloyd's insurance. The term applied to a kind of insurance by associations, the members of which are not incorporated, but each member agrees to become liable for a certain amount of loss which has been insured.

Loan. A bailment without reward, whether for use or return in specie or for consumption and return in kind. A loan of money implies that the borrower may expend it and is only bound to return an equivalent sum; in such a contract payment by way of interest for the loan is presumed.

Local. Pertaining to a place; having reference to a particular place or a limited region.

Local option. The right or privilege granted by law to a political division of the state to determine for themselves by ballot whether or not intoxicating liquors shall be sold within such political division.

Local statute. A law which applies only to a limited part of the state.

Locatio. Letting for hire; a species of bailment by which a thing was let for compensation.

Locatio custodiae. Letting to keep. A bailment of goods to be kept or stored for compensation.

Locatio mercium vehendarum. Letting of goods to be carried.

Locatio operis. Letting of work. A bailment of an article to have work and labor bestowed upon it for a compensation.

Locatio rei. Letting of a thing to hire.

Locum tenens. Holding the place. A deputy or representative.

Locus. A place.

Locus delicti. The place of a fault or crime. (Where committed.)

Locus in quo. Place in which; the place where anything is alleged in pleading to have been done.

Locus poenitentiae. Place for repentance; time given for reconsideration or withdrawal.

Locus rei sitae. Place where a thing is situated.

Locus regit actum. In private international law the rule that a transaction which is legal when entered into is to be considered legal when given effect.

Locus sigilli. The place of the seal. The initial letters of these words, "L. S." are still used to indicate the place of a seal, or to take the place of a seal, and when so used are frequently surrounded by a scroll.

Lollards. The founders of the Protestant religion in England. The

Digitized by Google

sect originated about the year 1315, at which time they were classed as heretics, and statutes were passed to suppress them.

Long quinto, The. The part of the Year Book which gives reports of the cases decided during the fifth year of the reign of Edward IV.

Long session. The first session of the U. S. Congress, beginning on the first Monday of December, and which may continue from that time until the same time the next year.

Lord's Day. An expression signifying the first day of the week commonly called "Sunday."

Lottery. A scheme for the distribution of prizes by chance among those who have purchased the chances.

Low-water mark. The line, upon the shore of any tidal waters, to which the water recedes at the ebb of the tide. Abbott.

In Pennsylvania, this term, used as the limit of a riparian owner's title means ordinary low-water mark, unaffected by drought. 60 Pa. 339.

Lucri causa. For the sake of gain. A phrase indicating the motive in cases of theft.

Lucid interval. Period of sanity between periods of mental incompetence.

A lucid interval is not a perfect restoration to reason, but a restoration so far as to be able, beyond doubt, to comprehend and do the act with such perception, memory and judgment as to make it a legal act. Del. Ch. 263.

Lunacy. Insanity. Mental unsoundness; particularly such mental incapacity which has developed, and is not congenital.

Lunar. Pertaining to the moon. Estimated by the moon.

M.

M. The thirteenth letter of the alphabet; as an abbreviation it signifies one thousand. Formerly in England one convicted of manslaughter had this letter branded on his thumb.

Mace. An ornamental staff, carried as an emblem of authority before certain public officials.

Magister. In old English law, master.

Magister navis. The master of a vessel.

Magistrate. A person entrusted with power as a civil officer; one elected or appointed with authority to enforce municipal laws in a locality. In a narrower sense a magistrate is one of the inferior judicial officers and is equivalent to a justice of the peace.

Magna Charta. The great charter. A famous state paper granted by King John, upon the compulsion of the Barons, on the 19th day of June, 1215, confirming the ancient liberties of Englishmen,

Digitized by Google

and limiting the arbitrary power and authority of the English monarch over his subjects.

Main. To deprive a person of a member or part of the body, the loss of which renders him less capable of fighting; to commit mayhem. When applied to an animal it signifies permanent injury.

Mainprise. The taking a man into friendly custody, who might otherwise be committed to prison, upon security being given for his appearance at a time and place specified.

Maintenance. Aid, support, preservation. Technically, the offense of officially meddling with or promoting a lawsuit, by one not interested in it.

A malicious, or, at least, officious, interference in a suit in which the offender has no interest, to assist one of the parties to it against the other, with money or advice to prosecute or defend the action without any authority at law. 1 Russ. Cr. 176.

Major haereditas venit unicuique nostrum a jure et legibus quam a parentibus. A greater inheritance comes to every one of us from right and the laws than from our parents.

Majori summae minor in est. In the greater sum the less is included.

Majority. (1) The civil condition or status of one who has attained full age. (2) Majority. More than half, the greater number. More than all the opponents.

In political elections, the majority of the votes cast at an election on any question means the majority of those who voted on that question. 10 Minn. 107; 95 U. S. 369.

Make an assignment. A phrase meaning that one has turned over one's property for the benefit of creditors, and is insolvent.

Mal or mala. A prefix meaning wrong or fraudulent.

Mala fide. Bad faith. The opposite of bona fide.

Mala in se. Evil acts by nature; morally or inherently evil or wrong, whether forbidden by law or not.

Mala prohibita. Evils or wrongs which are prohibited by law, and which would not otherwise be considered wrong or evil.

Maladministration. Illegal or unjust administration of an office.

Male. Of the masculine sex; of the sex that begets young.

Malefactor. A criminal; a violator of the law.

Malfeasance. The commission of an unlawful act; the word is used in opposition to non-feasance which is the neglect to do that which one ought to do.

Malice. An intent to do evil; the doing a wrongful act intentionally without just cause or excuse.

Malice, actual. That form of malice which is expressly indicated by acts.

Malice aforethought or prepense. Intention to kill previous to committing the act. Previous design or purpose. A technical phrase

Digitized by Google

employed in indictments, which with the word murder must be used to distinguish the felonious killing called murder from what is called manslaughter.

Malice, constructive. That form of malice which is implied by law from the act committed.

Malicious. Something done with evil intent; designedly, purposely.

Malicious arrest. The wanton or wilful arrest of another without reasonable or probable cause, though by a regular process or proceeding.

Malicious mischief. Petty injuries to private property through malice or revenge.

Malicious mischief or damage is a species of injury to private property, which the law considers as a public crime. This is such as is done, not animo furandi, or with an intent of gaining by another's loss, but either out of a spirit of wanton cruelty, or wicked revenge. Jacob.

Malicious prosecution. A wanton prosecution, instituted by one person against another, based upon wrongful or improper motives, and without probable cause to sustain it, whether civil or criminal. An action for damages lies for being subjected to such a suit, and this action is called an action for malicious prosecution.

Malo animo. With evil mind, or intention.

Malpractice. A term applied to the act of a physician or surgeon, who by reason of ignorance, negligence, or wilfulness injures his patient.

Malum in se. Evil in itself.

Malum prohibitum. Evil because prohibited.

Man. A human being. A person of the male sex.

Mancipate. To make a slave; the opposite of emancipate.

Mandamus. To command. Anciently, a writ from the king commanding the performance of an act therein mentioned. Now the name of a writ employed by a higher court to compel lower courts or officers to perform their duties.

Mandamus, alternative. A writ of mandamus which states that the person to whom it is directed shall perform an act therein stated or show cause, at a time stated, why he does not do so. A writ of mandamus is usually issued in this form in the first instance.

Mandamus, peremptory. One which directs an act to be done absolutely and unqualifiedly.

Mandatary. The bailee, or person who undertakes a service in a contract of mandate. Also one that obtained a benefice by mandamus.

Mandate. A bailment contract, in which one party, called the manditary, undertakes, without reward, to render some service affecting personal property placed in his charge by another for that purpose. Also, a judicial command.

Digitized by Google

Mandatory. That which must be obeyed as distinguished from directory.

Mandatory injunction. An injunction which requires the person to whom directed to do some positive act, as to restore things to their former condition, as distinguished from one which merely restrains the doing of a contemplated act.

Mania. The common form of insanity which includes, intellectual aberration, and morbid or affective obliquity.

Manifest. That which is apparent; requiring no explanation. Open; palpable; incontrovertible. Also, one of the documents required to be carried by a merchant vessel containing a true account of the cargo, where it was laden and where it is to be carried, designed to aid customs officers in discharging their duties.

Manifesto. A public and solemn declaration by the authorities of a nation, explaining the reasons for its public acts towards another nation.

Manner and form, or modo et forma. The technical words introduced at the conclusion of a traverse in pleading. Their object is to put the party whose pleading is traversed not only to the proof that the matter in fact denied is, in its general effect, true as alleged but also that the manner and form in which the fact or facts are set forth are also capable of proof. Abbott.

Manor. A house or habitation. The term includes lands as well as the dwelling-house.

Manslaughter. The unlawful killing of another without malice either express or implied. 4 Bl. Com. 190.

Manslaughter, involuntary. Killing without intention to injure. That which results from the doing of an unlawful act without intent to kill, or a lawful act in an unlawful or negligent manner.

Manslaughter, voluntary. An intentional wrong doing resulting in the death of a human being, which would constitute murder but for circumstances which reduce the grade of the crime. Thus homicide may become manslaughter in consequence of provocation or the heat of passion which negatives the presumption of malice, otherwise implied by law in cases of homicide.

Manu brevi. With a short hand. In civil law, short, direct, a direct route.

Manu forti. With strong hand; forcibly. A technical term indicating greater force than the words vi et armis.

Manumission. The freeing of a slave; emancipation. The act of releasing one from the power of another.

Map. A drawing of a place or region showing the relative position of its topographical features.

Marauder. A soldier who commits depredations near the camp without authority.

Mare altum. The high sea.

Digitized by Google

Mare apertum. The open sea.

Mare clausum. The closed sea. The portion of the sea subject to the jurisdiction of the nation owning the coast.

Mare liberum. The free sea. The open or free sea which is not subject to the jurisdiction of any nation. Also, the name of a work or treatise by Grotius in favor of free seas and against the ownership or control of them by any nation.

Margin. The difference between the cost and selling price of an article. A sum of money or its equivalent, placed in the hands of a stock broker, by the principal, or person on whose account the purchase is to be made as a security to the former against losses to which he may be exposed by a subsequent depression in the market value of the stock. 49 Barb. 462.

Marine. Pertaining to the sea; or what occurs on the sea. A soldier or person employed on a ship.

Marine insurance. The insurance of vessels or their cargoes against the perils of the sea.

Marine league. About three miles. A measure of distance, commonly employed at sea, being equal to 1/20 part of a degree of latitude.

Maritagium. Dowry; a portion given a daughter on her marriage.

Maritime. Bordering on the sea; pertaining to navigation on the sea or to marine commerce.

Maritime law. A phrase meaning the system of laws, principles and usages which have come to prevail among commercial nations in the government of navigation and marine commerce.

Maritime lien. A lien given by maritime law to one who has furnished labor or supplies to a vessel out of her home port, to follow and hold such vessel in the admiralty courts, although she never acquired any possession or actual control over her.

Market overt. Open market.

Market price. Market value. The price of a thing as established by public sales, or sales in the way of ordinary business.

Marriage. The civil status or condition of husband and wife; the relation assumed by a man and woman who have consummated espousals or who are joined in matrimony.

A contract made in due form of law, by which a man and woman reciprocally engage to live with each other during their joint lives and to discharge toward each other the duties imposed by law on the relation of husband and wife. Bouv.

Marriage brokage, or brokerage. The negotiating of a marriage for consideration; also, the money or compensation paid for such services. Such contracts are regarded as against public policy in the U. S. but are sustained in some parts of Europe.

Marriage, civil. A marriage by a state official, and entered into with the forms and ceremonies

Digitized by Google

prescribed by law for such a contract.

Marriage, common law. A marriage consisting of the mutual consent of the parties thereto, followed by cohabitation, and without other ceremony. Recognized as valid at the common law, but not under the statutes in the many states.

Marriage ceremony. The religious or civil forms required for the solemnization of marriage.

Marriage license. The official sanction required by statute to be obtained from the proper officer before persons may legally enter into a marriage contract.

Marriage morganatic. Such a marriage between a man of high station, and a woman of inferior rank or station, which, while legal, is upon the condition that the wife and children shall not assume the rank nor inherit the possessions of the husband and father. It prevailed in parts of Europe during the middle ages, but has never been recognized in the United States.

Marriage, promise of. An agreement or contract to marry in the future entered into by a man and woman capable of intermarrying.

Marriage settlement. A property settlement or arrangement between persons about to marry.

Married woman. A woman legally married; one having a husband.

Marshal. An officer of the U. S. who executes the process of the federal courts. Also, to arrange, to place in order.

Marshalling assets. Arranging different things convertible into money so that a distribution may be made among heirs or creditors to the best advantage. An equitable arrangement so that justice may be done between two or more creditors.

Martial law. Government by military rule; the replacing of the civil authority by the military authority in time of war or great public necessity. The civil government is suspended for the time being, and the military authorities have full sway, and martial law is simply the will of the general or commanding officer in the district in which the civil law has been suspended.

Master and servant. A term designating the relation existing between a master and a servant: now, equivalent to employer and employee.

Material. Important; necessary to the matter in issue; relevant.

Material-man. One who has furnished supplies or commodities necessary in the construction or repair of a building or vessel, and has therefore a right to file a mechanic's lien.

Matricide. The crime of killing one's mother.

Matrimony. Marriage; relating to the marriage state.

Digitized by Google

Matrons, jury of. A jury formed of women, formerly empanelled to determine the question whether a woman be with child or not.

Matter of fact. A phrase meaning anything which is to be ascertained by the senses, or by the testimony of witnesses.

Matter of law. That which is to be ascertained by the application of principles of jurisprudence or from the statute law.

Matter in pais. An expression meaning matters of fact which must be established by oral testimony and is not evidenced by writing; a matter of fact not of record.

Matter of record. That which is embraced in, or may be established by official documents which are kept as public records.

Maturity. Full development; puberty. Also, as applied to bonds, bills, etc., the time fixed for payment, or when they become due.

Maxim. A brief statement of a rule, custom or principle of law. An established principle or proposition; something of long standing or general recognition.

Mayhem. The crime or offense of violently depriving a person of any part of the body useful in fighting, whether offensive or defensive. Also, the injury thus conflicted.

Mayor. The chief executive officer or magistrate of a city.

Measure. A gauge or standard; a definite quantity taken for a unit and which expresses a relation with other quantities of the same thing.

Measure of damages. A phrase signifying the principle or rule by which the amount of damage sustained is to be computed.

Media nox. Midnight.

Mediæ et infirmæ manus homines. Men of mean and base condition.

Medical jurisprudence. That branch of jurisprudence which treats of controversies and questions requiring technical medical knowledge and skill as well as knowledge of law.

Melior est conditio possidentis. The condition of the person in possession in the better.

Memorandum. Let it be remembered. An instrument, informal in nature, which records, in whole or in part, some transaction or agreement.

Memory. Mental capacity; the power of repeating or recollecting things which occurred or seen in the past.

Menace. A threat; a manifested desire or declaration of intention to do an injury to another.

Menials. Domestic or household servants. Inferiors.

Mens rea. Criminal intent.

Menu, laws of. Hindu laws, believed to have been promulgated by Menu, son or grandson of Brahma, the first of created beings.

Digitized by Google

Mercantile law. The rules and principles of law which apply to, and govern the rights, duties and liabilities springing from, mercantile transactions.

Mercantile paper. A term signifying commercial or negotiable.

Merchandise. Commodities which are commonly bought and sold for profit.

Merger. The absorption or extinguishment of a smaller estate, right, or liability into a greater one.

Merit. Legal sufficiency or validity, when applied to an action.

Mesne. Between; the middle portion between two extremes.

Mesne process. Originally, any process issued between the commencement of the action and the writ of execution on the judgment. All process issued between the beginning and the ending of a suit.

Mesne profits. Such rents or other benefits as are derived from property between the time of its taking and restoration to the original owner.

Message. A communication sent by one person to another. Also, applied to the report or advice sent by an executive officer in the U. S. to the law-making body.

Messuage. A dwelling house with adjacent lands and buildings. A term used in deeds to describe the premises conveyed.

Metre. The unit of length in the Metric System; equivalent to 39.368 inches.

Metric system. A system of measurement based upon the metre as a unit. The system was adopted in France in 1795, and was legalized by the U. S. Congress July 28, 1868, but has never been commonly adopted into this country.

Michaelmas term. The term in English courts beginning on the 2nd and ending on the 25th of November.

Mileage. An allowance of so much per mile to jurors, witnesses, and others attending court, or performing public business.

Militia. The local forces available for the defence of a state or nation consisting of citizens called into military service for the time being, and not a part of the regular standing army. Also, applied in this country to the military organizations of the various states.

Mind. In its legal sense, the power to will, direct, to act. Mental power or intellect.

Mineral lease. A conveyance by way of lease of an interest in the land itself, as distinguished from the use and occupation of lands conveyed by the ordinary lease.

Ministerial. An act which does not involve discretion but is done under the authority of a superior; the term is used as the opposition of judicial.

Ministerial act or duty. One which requires no discretion in its performance.

Minority. Infancy. The status of one under full age. Also, the

Digitized by Google

smaller number of votes or individuals in a deliberative assembly; opposed to majority. Less than half of the whole.

Minutes. Memoranda of what occurs in court, from which the records are made up. A period of time equal to sixty seconds, or one-sixtieth part of a degree.

Misappropriation. The offense of fraudulently converting goods or money to some use not authorized.

Miscarriage. A term designating the premature birth of a child. Also used in the sense of failure of justice, and under the statute of frauds signifying default, or some wrongful act.

Miscegenation. The intermarriage of persons of different races.

Mischief. An act attended with injury. Also, used in reference to the construction of statutes to designate the evil or danger desired to be avoided thereby.

Misdemeanor. An offense of a less degree than felony, and for which a less severe punishment is meted out. As applied to officers in a parliamentary sense, it means misconduct or maladministration.

Misfeasance. Doing something which one has a right to do in an unlawful manner. A wrongdoing; a trespass.

Misjoinder. In pleading, the improper joining of separate causes of actions, or of improper persons as plaintiffs or defendants.

Misprision. Concealment of any crime under the degree of capital offenses. Also, neglect of duty, or contempt of authority.

Misprision of treason. Concealment of treason without being concerned in or assenting to it.

Misrepresentation. A statement or description of matters of fact which are untrue, or mislead another to his injury. The misrepresentation must be both false and fraudulent in order to make the party making it responsible to the other for damages.

Misrepresentation, innocent. A statement which is false in fact, but which the party making it believed to be true.

Mistake. Some intentional act, omission, or error arising from ignorance, surprise, imposition, or misplaced confidence.

Mistake, mutual. A common mistake to both parties to a contract or agreement.

Mistake of fact. Ignorance as to the existence of a matter of fact, as opposed to ignorance of a rule of law.

Mistake of law. A wrong or ignorant conclusion as to the legal effect of acts or facts. An erroneous conviction as to the law governing a matter.

Mistrial. An irregular or illegal trial for some defect in the proceedings. One in which a verdict is not reached because of such error.

Misuser. The wrongful use or abuse of a right or privilege.

Digitized by Google

Such a misuse of a public office as works a forfeiture.

Mitigation. That which moderates or diminishes in amount or severity. Reduction; lessening of a penalty or punishment.

Mittimus. We send. Anciently, the name of a writ for removing a suit to a particular county for trial. In criminal practice, the name of the order or warrant committing a person to jail to await trial.

Mixed actions. Suits whch partake of the nature of both real and personal actions, as by asking the restitution of real property and damages for the retention.

Mixed property. That which partakes of the characteristics of both real and personal property.

Mob. A lawless crowd. A multitude of persons gathered for an unlawful purpose; a crowd excited to some violent or unlawful act.

Mobilia personam sequunter, immobilia situm. Movable property follows the person of the owner, immovable property its situs.

Modus. Manner; way; mode.

Modus decimandi. A peculiar method of giving money or something in lieu of tithes.

Modus et conventio vincunt legem. Manner and agreement overrule the law.

Modus tenendi. Manner of holding.

Modo et forma. In manner and form.

Moiety. One-half. Generally, the undivided one-half. Thus two joint-tenants are said to take by moities.

Moliter manus imposuit. He laid hands upon gently.

Monarchy. One man government; that ruled by a king or single sovereign.

Money. Cash; gold and silver coins; that which is by law or custom made receivable for the purchase of commodities or as a medium of exchange. Currency; the circulating medium.

Money demand. A demand for a sum of money or a sum which can be determined by calculation, as distinguished from damages.

Monition. The name of the process in courts following the civil law, as the admiralty and ecclesiastical courts; similar to the summons or writ at common law.

Monogamy. The having of but one wife or husband; opposed to polygamy.

Monopoly. The exclusive control of an article or commodity; power to fix or control the price or supply of an article; the combining to raise the price of an article. The combination so formed, whether individuals or a corporation.

Monroe Doctrine. The plan of action suggested by James Monroe, when president of the United States, in his message to Congress, of Dec. 2, 1823, under which the United States will re-

Digitized by Google

gard the attempt of any European power to extend its system of government to any part of the western hemisphere, as an unfriendly act.

Month. One of the twelve divisions of the year.

Month, astronomical. One-twelfth of the time taken by the sun to pass through the zodiac.

Month, civil. A calendar month; that is, one of the twelve months of the year as fixed by the Gregorian calendar.

Month, lunar. The period of the moon's revolution; a month of four weeks or twenty-eight days.

Moot. A term used in the inns of court and law schools to signify the argument and disposition of made-up or imaginary cases for the purpose of practice and experience.

Moot court. A practice court, for the trial of moot cases, that the participants may become experienced in the trial of lawsuits.

Moral certainty. Assurance less than absolute, but sufficient to warrant the gravest action, as the giving of a verdict.

Moral duty. An obligation or duty resting for its sanction upon the moral or ethical code, and not upon positive law.

Moral insanity. Incapacity, from disease, to control one's conduct according to one's knowledge of right and wrong. A disorder which affects the feelings and affections, or what are termed the moral powers in contradistinction to those of the understanding or intellect.

Mortgage. A term derived from the French words, mort (dead) and gage (pledge); signifying that the property was a dead or unproductive pledge as the creditor had no right to the use of it as in other pledges. The conveyance by way of security, and on the condition of reconveyance when the debt has been paid or satisfied.

The conveyance of an estate by way of pledge for the security of a debt, and to become void upon payment of it. 4 Kent Com. 136.

Mortgage, chattel. A mortgage of chattel property.

Mortgage, equitable. A lien or mortgage given in equity but not recognized by law. Thus a lien on property for unpaid purchase money is an equitable mortgage.

Mortis causa. In contemplation of, or by reason of impending death.

Mortmain. Dead hand. Anciently, lands deeded to religious houses or corporations having perpetual succession, so as to be forever inalienable were said to be in mortmain.

Mortuary tables. Schedules compiled for the estimation of human life. Life tables.

Mortuum vadium. A dead pledge, one in which the creditor does not get the possession or profits of the article pledged. A mortgage.

Digitized by Google

Motion. A request or application to a court for a rule or order in connection with a pending suit. In parliamentary practice, a question proposed for deliberate action.

Movables. Personal goods and chattels, as distinguished from immovables. In Civil law, inanimate objects only.

Mulatto A person having one white and one black parent.

Mulier puisne. The eldest legitimate son, where there is an older illegitimate son. The former is preferred to the inheritance.

Multifariousness. A defect in equity pleading, consisting of uniting distinct and independent claims in one bill.

Multiplicity of actions. The bringing of several suits on the same matter and where one suit would answer for all. Such suits may be consolidated in equity by a bill of peace.

Municipal. Pertaining to a city, or incorporated civil division.

Municipality. A city.

Murder. A secret killing. Intentional and unlawful homicide. The crime of killing a human being with malice aforethought.

Muster. To enroll; to drill or organize soldiers.

Mutatis mutandis. The necessary changes.

Mutual accounts. Reciprocal accounts; such as contain mutual credits and debits between the parties.

Mutual insurance. A form of insurance in which all persons insured become members of the company and reciprocally liable to indemnify each other against losses; a loss being met by an assessment upon all the members.

Mutuum. A loan or bailment for consumption of the article on the condition of returning the like amount of the same kind, as where corn, wine, or the like article is loaned to be returned in kind.

Mystery. The trade, occupation or calling of a person.

N.

Naked. Nude; not clothed. Incomplete, or without the details.

Name. The term by which one person or thing is designated and distinguished from another.

Name, Christian. The name given at baptism and separate from the surname, as John, Benjamin, etc.

Narratio. A narrative. In pleading the term applied to the plaintiffs' count or declaration. Abbreviated, narr.

Natura appetit perfectum; ita et lex. Nature desires that which is perfect; and so does the law.

Digitized by Google

Natura non facit saltum; ita nec lex. Nature makes no leap; neither does the law. A maxim indicating that legal matters should proceed in a regular order without omissions.

Natural child. In modern law and usage, the term signifies a bastard child. But originally and properly the term signifies a child born of one's own body, as distinguished from one by adoption.

Natural equity. A term indicating that the thing appears equal, just and right under the circumstances, to the ordinary individual, as distinguished from legal or technical rules.

Naturalize. The proceeding by which the rights and privileges of a citizen are conferred upon one. The adoption of an alien as a citizen.

Naturalized citizen. A person who being alien by birth has become a citizen of a nation under the terms and formalities prescribed by law.

Navigable. As applied to waters, signifies that they are deep and wide enough for vessels of commerce; capable of being navigated; valuable for commercial communication by water.

Navigate. To use waters as a means of communication; to conduct vessels through public waters.

Navigation, rules of. That system of rules and regulations by which the movements of vessels on the public waters are regulated and governed.

Navy. The organized public vessels of a country.

Ne baila pas. He did not deliver. An ancient plea in detinue.

Ne disturba pas. He did not hinder. The plea of the general issue in quare impedit.

Ne dona pas. He did not give. The general issue in formedon.

Ne exeat. That he does not depart. The name of a writ in equity practice to prevent a defendant from going out of the jurisdiction of the court.

Ne recipiatur. That it be not received a warning to an officer, not to receive some record of proceeding of an adverse party which is required to be filed by such officer.

Ne unques executor. Negar executor. A plea denying that one is an executor.

Ne varietur. That it be not changed.

Necessary. As used in law signifies something which is absolutely unavoidable, and cannot be omitted or weighed. Also signifies what is reasonably convenient, and not indispensable.

Necessaries. Those things which have come to be regarded as essential and requisite for the sustenance or support of a wife, child, or family according to the station and condition of the person or persons for whom the articles are designed. So that, the term "necessaries" must be construed according to the conditions and circumstances of each particular case.

Digitized by Google

Necessitas culpabilis. Culpable necessity; such necessity for doing an act as will make it blameworthy for not doing it.

Necessitas est lex temporis et loci. Necessity is the law of time and place.

Necessitas facit licitum quod alias non est licitum. Necessity makes lawful that which otherwise is not lawful.

Necessitas non habet legem. Necessity has no law.

Necessitas publica major est quam privata. Public necessity is greater than private.

Necessitas, quod cogit, defendit. Necessity justifies what it compels.

Necessitas vincit legem. Necessity overthrows the law.

Necessity. Compulsion. That which makes an act unavoidable.

Nefas. Wrong. The opposite of fas.

Negatio conclusionis est error in lege. Denial of a conclusion is error in law; i. e., a denial must be of the facts and not of the conclusions or inferences.

Negative pregnant. In pleading, the statement of a negative in such form as to imply or admit an affirmative.

Negligence. Lack of diligence; the omission of due care under the circumstances, failure to perform a duty, or the performance of it without due care and caution, so that injury results to another.

The failure to observe, for the protection of the interests of another person, that degree of care, precaution, and vigilance which the circumstances justly demands whereby such other person suffers injury. Cooley Torts. 630.

Negligence, comparative. The doctrine that where there is ordinary care on the part of the plaintiff, though he contributed to the injury, he may yet recover damages of the defendant, where the negligence is slight in comparison to the negligence of the defendant.

Negligence, contributory. A term designating that negligence, or a lack of care, which directly contributes or co-operates in causing the injury complained of; where the plaintiff's negligence is the sole cause of his injury he cannot recover, and in many instances where his negligence contributed to his own injury he cannot recover, but the extent of the contributory negligence, as affecting the right to recover is one of the most difficult propositions in law.

Negotiable. Transferable by indorsement; that which is capable of being transferred by assignment, endorsement or delivery.

Negotiable instrument. A note, bill or check, which is transferable under the rules of the law merchant.

Negotiable words. The technical or usual words which make an instrument "negotiable"; they are—"bearer," "order," etc.

Digitized by Google

Negotiate. To bargain; to conduct the terms of a business transaction; to sell or assign negotiable paper.

Negotiorum gestio. A transaction of business. In civil law, the intervention in the business of another in his absence and without authority.

Negro. A person having in his veins one-sixteenth or more of African blood.

Nemina contradicente. No; one contradicting, or dissenting. Abbreviated, nem. con.

Nemo. No man; no one.

Nemo admittendus est inhabilitare seipsum. No one is allowed to incapacitate himself. That is, to stultify himself.

Nemo agit in seipsum. No one acts against himself. So one cannot bring a suit against himself, or sit as judge in his own cause.

Nemo allegans suam turpitudinem est audiendus. No one alleging his own infamy is to be heard. A maxim of the civil law.

Nemo bis punitur pro eodem delicto. No one is to be twice punished for the same offense.

Nemo contra factum suum venire potest. No one can contradict his own deed. A maxim which is the basis of the doctrine of estoppel by deed.

Nemo debet esse judex in propria causa. No one should be a judge in his own cause.

Nemo est hæres viventis. No one is the heir of the living.

Nemo plus juris ad alium transferre potest quam ipse habet. No one can transfer a greater right to another than he himself has.

Nemo potest facere per alium, quod per se non potest. No one can do through another what he cannot do himself.

Nemo punitur pro alieno delicto. No one is punished for the crime of another.

Nemo tenetur divinare. No one is bound to divine the future.

Net. That which remains after deductions made; free of expense or charges.

Neutral. Impartial; taking no part in a war between other nations.

Neutrality. The state or condition of a nation which remains aloof from a contest between two or more other nations.

New trial. A second trial; one granted because of some objection or defect in the previous trial, or upon a reversal of the verdict in a higher court.

Next friend. A person who represents another in a lawsuit, because the person represented is not sui juris; a prochein ami, or guardian ad litum.

Nient. In law French, a negative; not.

Nient culpable. Not guilty.

Nient dedire. Saying nothing; to default.

Nihil. Nothing.

Digitized by Google

Nihil capiat. That he take nothing. A form of judgment for the defendant.

Nihil debet. He owes nothing.

Nihil dicit. He says nothing. To allow default.

Nihil est. There is nothing; return of a sheriff showing nothing on which to levy.

Nihil perfectum est dum aliquid restat agendum. Nothing of completed while any part remains to be done.

Nil. Nothing; a contracted form of nihil.

Nil ligatum. Nothing bound; an expression meaning that no obligation has been incurred.

Nimia subtilitas in jure reprobatur. Too great subtlety in law is a reproach.

Nisi. Unless; on condition.

Nisi prius. Unless before. Anciently, a court which tried cases having a jury.

Nisi, rule. A rule which is to become final unless good cause be shown to the contrary before a time stated.

No goods. Words used by a sheriff in making a return when he has found no goods of the debtor upon which to levy.

Nolle prosequi. Will not prosecute. The designation of an entry in a criminal action by the prosecuting officer declaring that he will not further prosecute the action. Abbreviated nol pros.

Nolo contendere. I do not desire to contend. A plea in a criminal action signifying that the defendant does not wish to stand trial and is willing to be sentenced.

Nomen juris. A law term; a technical legal term.

Nomine poenae. In the nature of a penalty. In the civil law, a condition in a legacy or devise intended to compel the person to comply with the desire of the testator.

Nominal. In name only; formal; the antithesis of real or substantial.

Nominal partner. An apparent partner; one who while held out as a partner has no interest in the business or profits.

Non. no; not. A negative prefix.

Non acceptavit. He did not accept. A common law plea to an action of assumpsit upon a bill of exchange, denying acceptance.

Non accrevit infra sex annos. It did not accrue within six years. A plea of the statute of limitations.

Non assumpsit. He did not promise. A plea of the general issue in assumpsit.

Non bis in idem. Not twice in the same. A civil law phrase signifying that one shall not be twice put in jeopardy for the same offence.

Non cepit. He did not take. A plea of the general issue in replevin.

Digitized by Google

Non compos mentis. Not sound of mind; the opposite of compos mentis.

Non damnificatus. Not injured, or damnified. A plea to an action of debt on a bond of indemnity, alleging that defendant had received no damage.

Non demisit. He did not demise. A plea in an action of debt.

Non detinet. He does not detain. A plea of the general issue in the action of detinue.

Non est factum. It is not his deed. A plea of the general issue in debt on a specialty.

Non est inventus. Is not found. A return by the sheriff to a writ of arrest, when the person cannot be found in his jurisdiction.

Non exemplis sed legibus judicandum. Things are to be judged not by examples, but by laws.

Non-feasance. Not doing. Omission to do that which one should do as a matter of right or law.

Non fecit. He did not make it. A plea or defense to a promissory note.

Non impedivit. He did not impede. A plea of the general issue in quare impedit.

Non infregit conventionem. He did not break the covenant. A plea or a defence in an action covenant.

Non juridicus. Not juridical. As not a judicial day.

Non liquet. It is not clear. In civil law, a return by the jurors that they could not agree or were not decided.

Non obstante. Notwithstanding, in spite of.

Non obstante veredicto. Notwithstanding the verdict. A judgment for the plaintiff. By order of the court, although the verdict of the jury has been for the defendant.

Non omne quod licet honestum. Not everything which is permitted is honorable.

Non prosequitur. He does not prosecute; an entry of judgment for the defendant in an action of law, because the plaintiff has failed to prosecute his action. Abbreviated, non pros.

Non quad dictum est, sed quod factum est inspicitur. Not what is said but what is done is regarded.

Non sui juris. Not of one's own right or ability; the opposite of sui juris.

Non sum informatus. I am not informed. A judgment by default, where the defendant's attorney avers that he has not been instructed to answer the complaint of the plaintiff, and is usually entered as a result of an agreement between the parties.

Non tenent insimul. They do not hold together. A plea or defence in a suit for partition denying the joint ownership.

Non videntur qui errant consentire. They who mistake are not deemed to consent.

Non-access. A technical phrase signifying lack of opportunity

Digitized by Google

for sexual intercourse between husband and wife.

Non user. Omission to assert some privilege, or exercise some franchise, whereby the same becomes void or is lost.

Non suit. The renunciation, or the giving up of a lawsuit by the plaintiff; the failure to pursue an action.

A nonsuit is properly the voluntary act of the plaintiff in deserting his action; and the difference beween a **nonsuit** and **non pros.** is, that in the former the plaintiff, being called upon in court to proceed, advisedly abandons the suit, because he sees it is likely to go against him; in the latter, he simply neglects to take the proper steps. A nonsuit may, however, be entered by the court above, on application made by the defendant, pursuant to leave reserved by the judge at the time of the trial. And since the judicature act, 1875, any judgment of nonsuit, unless the court or a judge otherwise directs, is to have the same effect as a judgment upon the merits for the defendant. Mozley & W.

A voluntary nonsuit is an abandonment of his cause by plaintiff, who allows a judgment for costs to be entered against him by absenting himself or failing to answer when called upon to hear the verdict. 1 Dutch., 556.

An involuntary nonsuit takes place when the plaintiff, on being called, when his case is before the court for trial, neglects to appear, or when he has given no evidence on which a jury could find a verdict. 13 Johns., 334.

Under the statutes in Pennsylvania a plaintiff may be compulsorily non-suited.

Norman-French. The language introduced into England by the Normans in 1066, and which was used in legal proceedings and court decisions until 36 Edw., III, when by statute it was provided that thereafter the pleadings should be in English and enrolled in Latin. Pertaining to the Normans.

North. When this term is used in the description in a deed without qualification, it means due north. I. Johns., 156; 96 Col. 505.

The term "North" also signifies that part of the territory of the United States north of Mason and Dixon's line, or the states which adhered to the Union as distinguished from those which joined the Confederacy, and were known as the "South."

Noscitur a sociis. It is known from its associates. That is the meaning or interpretation of a word or clause may be obtained from the accompanying language.

Not a true bill. The modern phrase used by a grand jury instead of "ignoramus," signifying that they have not found a true bill in the case.

Not guilty. A general plea denying the offense charged.

Digitized by Google

When a defendant pleads not guilty in a criminal charge, he thereby puts himself upon trial, and is entitled to all the chances of escape from conviction which the rules of law afford him in case of the evidence being doubtful, or from any other cause, notwithstanding he may in fact have committed the act which is usually taken to constitute the offense. An accused person is, therefore, in all cases, justified in pleading **not guilty** to a criminal charge. On the other hand, in civil cases, when a defendant pleads not guilty, he is said to plead the general issue, whereby he is taken to deny the gist of the action. Smith Act. at Law, 533.

Not proven. A verdict which a jury may return in Scotch law, signifying that the guilt of the accused is not proven, while it is not clear that he is innocent.

Nota bene. Note well; observe with care.

Notarial. Pertaining to the office of a notary or a notary public.

Notary public. The title of an officer who holds a seal and is authorized by law to administer oaths and acknowledge deeds, protest commercial paper, take depositions, and do other acts of an official and quasi judicial nature. Anciently a notary was simply a scribe who made drafts of writings and instruments of either a public or private nature.

Notaries are of ancient origin, they existed in Rome during the Republic, and were called **tabelliones forenses,** or **personae publicae.** Their employment consisted in the drawing up of legal documents. They exist in all the countries of Europe, and as early as A. D. 803 were appointed by the Frankish kings and by the popes. In most of the states notaries are appointed by the governor alone, in others by the governor, by and with the advice of his council, in others by and with the advice of the senate; in the District of Columbia they are appointed by the President of the United States. As a general rule, throughout the United States official acts of a notary public should be authenticated by seal as well as by signature. 49 Ala., 242.

By act of Congress, September 16, 1850, notaries are authorized to administer oaths and take acknowledgments in all cases where under the laws of the United States justices of the peace were formerly authorized to act. By act of August 15, 1876, c. 304, notaries are authorized to take depositions and to do all other acts in relation to taking testimony to be used in the courts of the United States, and to take acknowledgments and affidavits with the same effect as commissioners of the United States circuit courts may do. R. S., Sec. 1778.

The acts of notaries are respected by the custom of merchants and the law of nations. Their protest of a bill is received as evidence in the courts of all civilized countries. Except in cases of protest of bills, the signature of a notary to an instrument going to a foreign

Digitized by Google

country ought to be authenticated by the consul or representative of that country. Bouvier.

Note bought. A memorandum of the sale and of the fact of purchase given by a broker to the buyer to show what has been sold and the terms of sale; its purpose is to apprise the person to whom it is given what he has purchased.

Note, sold. A sold note is the memorandum of a sale and purchase which the broker gives to the seller to advise him the terms and amounts of the commodity that has been sold for him.

Notice. Information; a knowledge of facts, or information imparted; means of knowledge.

Notice, in its full signification, embraces a knowledge of circumstances that ought to induce suspicion or belief, as well as direct information. 5 Sandf., 165.

Notice, actual. Such a notice as is given directly to the person to be notified.

Notice, constructive. That information or knowledge which the law implies a person should have from the facts and circumstances.

Notice of appearance. The notice which the defendant gives the plaintiff of his intention to defend the suit.

Notice of dishonor, or protest. The notice given or sent to the drawer of a bill of exchange, or indorser of a bill or promissory note, setting forth that the person primarily liable upon the instrument has failed to make payment, and that the holder looks to the person notified to pay the bill or note.

Notice of lis pendens. The notice of a pending suit which is allowed in some instances to be filed as a matter of public record, to the end that no person shall deal with the property of the defendant, or in respect to the subject matter of the suit, without opportunity to learn of plaintiff's claim.

Notice of motion. A notice given by either party to litigation, to the other, informing him that upon a certain day designated in the notice, an application will be made to the court tribunal for an order or relief as indicated in the notice.

Notice of trial. A notice given by one party to the other, of his intention to bring a pending action to trial at the succeeding term of court.

Notice to admit. A notice which is given to either of the parties to an action, calling on the other to admit the genuineness of a document wished to be introduced in evidence, in case the party so notified refuses, and the document is proved, the party refusing is chargeable with expenses of making the proof, irrespective of the result of the whole action.

Notice to produce papers. This is a notice which one party may give to the other, for the pro-

Digitized by Google

duction of papers or documents in his possession for use at the trial of the action. The production of such papers is governed by statute, which also prescribe the notice to be given. Generally the notice must have been given a reasonable time before the trial, or the party cannot produce secondary evidence of the contents of the papers.

Notice to quit, or leave premises. The notice required to be given to the tenant by the landlord before a forcible detention action can be brought for the recovery of the possession of the premises.

Notification. The act of giving notice.

Noting. The memorandum made by a notary on a bill after it has been presented for acceptance or payment and payment or acceptance refused. The noting usually includes the day, month and year when the presentment was made, the reason given for the refusal, with his initials and charge. The noting is not indispensable and will not supply the formal protest, but is simply for convenience in making the protest.

Notorious. When this term is used in reference to holding property by adverse possession, it means that the holding must possess such elements of notoriety that the owner may be presumed to have notice of it and of its extent. 33 Fla., 261.

Notoriously. Well and generally understood.

Nova constitutio futuris formam imponere debet, non praeteritis. A new statute should lay down a rule for the future, not the past.

Nova statuta. New statutes. The designation given to statutes passed since the beginning of the reign of Edward III.

Novation. Making anew. The substitution of a new contract or engagement or obligation for an old one. A renewal.

A transaction whereby a debtor is discharged from his liability to his original creditor by contracting a new obligation in favor of a new creditor by the order of the original creditor. 1 Pars. Cont., 217.

Novellae constitutiones, or novels. The official compilation of the new constitution, or novels, of Justinian and his immediate successors, published after the Code was completed. They were framed to supply what had been omitted in the preceding laws, with such amendments as were found to be expedient. They were established between 535 and 565 A. D.

Novelty. The quality of being new or original. The term becomes of importance under the patent laws of the United States which restrict the privilege to inventions which are "new and useful." Want of novelty is a sufficient reason why the commissioner of patents should refuse a patent. And it will invalidate a patent which has been granted. To warrant the commissioner in issuing a patent, in the first in-

Digitized by Google

stance, he must be satisfied, upon examining the application, not only that the applicant is, as compared with any other individual claimant, the true and first inventor of the improvement, but also, and beyond this, that the thing claimed is new, as compared with the general extent of human knowledge and skill in the science or art to which it appertains. The element of novelty is determined by considerations somewhat peculiar, in the case of patents for what are called "combinations." A patent may be obtained for a machine embodying a novel combination of several parts, notwithstanding that each of the parts has been used in some machine formerly in use. And it is no objection to a patent for such a combination that some, or even all, of the parts have been known and used before. But the combination for which a patent is sought must show novelty as to the combination of the parts.

Noverint universi per praesentes. "Know all men by these presents." The formal words used at the commencement of deeds of release in the Latin forms.

Nude. Bare; naked; something without consideration.

Nudum pactum. A naked agreement. A contract or agreement not founded upon a valid consideration.

Nuisance. That which causes annoyance, or is detrimental to health; anything that worketh harm, inconvenience or damage. Nuisances are termed **public,** when they affect the surrounding community generally, when they impair the rights of neighboring residents as members of the public; and **private,** when they specially injure individuals. The relief from a nuisance is generally either abatement, which is the right of persons injured by a nuisance to remove it, injunction, action for damages, or criminal prosecution. Abbott.

Nuisance, private. That which annoys or injures an individual or private person.

Nuisance, public. That annoyance which affects the whole community or the general public.

Nul. No; none.

Nul prendra advantage de son tort demesne. No one shall take advantage of his own wrong. That is, a wrongful act will not be allowed to benefit the wrongdoer. This maxim applies to the cases where fraud is alleged to have been committed by one of the parties to a transaction, and is relied upon as a defense by the other. The party who has been responsible for the fraud is estopped thereby to set up his own wrong, or deny that what he has asserted to exist does not, in fact, exist.

Nul tiel record. No such record. A plea at common law denying the existence of the record on which the action is founded.

Nul tort. No wrong. A plea in a real action denying the wrong alleged.

Nulla bona. No goods. The return of a sheriff to a fieri facieas

Digitized by Google

where no goods of the defendant have been found to satisfy the writ.

Nulla persona. No person. The term includes not only natural persons, but artificial persons, as corporations.

Nullity. That which is void of itself. An act or proceeding which has absolutely no legal effect. Something which the law ignores, though existing as a matter of fact.

In its consequences a sentence of nullity differs materially from a divorce. The latter assumes the original validity of the marriage, and its operation is entirely prospective. The former renders the marriage void from the beginning, and nullifies all its legal results. The parties are to be regarded legally as if no marriage had ever taken place; they are single persons, if before they were single; their issue are illegitimate; and their rights of property as between themselves are to be viewed as having never been operated upon by the marriage. Thus, the man loses all right to the property, whether real or personal, which belongs to the woman; and the woman loses her right to dower. 2 Bish. Mar. Div. & Sep., Secs. 907, 1597.

Nullity of marriage. A suit or action to have a marriage declared void because it never had any foundation in law, as for want of age, fraud, duress, physical impotence, relationship or prior marriage of one of the parties.

Nullius filius. The son of no one; a bastard.

Nullum exemplum est idem omnibus. No example is fitting for all purposes.

Nullum simile quatuor pedipus currit. No simile runs on four feet; i. e., not every simile or example is exactly alike, or on all fours with another.

Nullum tempus occurrit regi. No time runs against the king. A maxim indicating that no negligence or a laches was to be imputed as against the crown.

Nullum tempus occurrit reipublicae. No time runs against the commonwealth. The rights of the state are not to be defeated or barred by the lapse of time.

Nullus commodum capere potest de injuria sua propria. No one shall take advantage of his own wrong.

Nullus videtur dolo facere qui suo jure utitur. No one is deemed to act wrongfully who is exercising a right. That is, within reason one may act as he wishes with regard to his own matters, and is not liable as for a tort, though maliciously done or injurious to another. The same is true of the performance of an act authorized by law.

Numerata pecunia. Money which has been counted; or paid by actual count.

Nunc pro tunc. Now for then. A phrase signifying that something which is done afterwards is to have the same effect or intention as though done at a previous or proper time.

Digitized by Google

A **nunc pro tunc** entry is an entry made now, of something which was actually previously done, to have effect as of the previous date. Its office is not to supply omitted action by the court, but to supply an omission in the record of action really had, but omitted through inadvertence or mistake. 31 N. E. Rep. (Ind.) 670. Leave of court must be obtained to act in legal proceedings **nunc pro tunc**; and this is granted to answer the purposes of justice, but never to do injustice. Bouv.

Nuncupative. Declared orally; dictated.

Nuncupative will. An oral will; a testament or disposition of property made by declaration to witnesses, and which is afterwards reduced to writing. Such wills are allowed by statute in certain cases.

In early times this kind of a will was very common, and before the statute of frauds, by which it was virtually abolished, save in the case of soldiers and sailors, was of equal efficacy, except for lands, tenements and hereditaments, with a written testament. Such wills are subject to manifest abuses, and by Stat. 1 Vict., c. 26 Secs. 9 and 11, the privilege is confined to soldiers in actual service, and sailors at sea, and extends only to personal estate. Similar provisions have been enacted in many of the states of the United States. Though the statutory provisions are not uniform in the various states.

Nunquam crescit ex post facto praeteriti delicti aestimatio. The quality of a past offense is never aggravated by that which happens subsequently. That is, the character and extent of a crime are determined at the time it is committed, and no subsequent act of the offender can enlarge it.

Nunquam praescribitur in falso. There is never a prescription in case of falsehood. A maxim of the civil law to the effect that title or right cannot be founded upon a false claim, as a forged deed will not be a proper basis for title by prescription.

Nuper. Lately.

Nuper obiit. Lately deceased. An old English writ, issued on behalf of a co-heiress who had been dispossessed by her coparcener of lands of which their common ancestors died seized in fee simple, to compel a proper division of the lands.

Nuptiae secundae. A second marriage. Under the canon law this was any sort of a marriage subsequent to the first.

Nuptial. A marriage ceremony; pertaining to marriage.

Nuptial, ante. Before marriage.

Nuptial, post. After marriage.

Nuptias non concubitus sed consensus facit. Not cohabitation, but consent, constitutes marriage.

Nurture. The act of caring for and educating children.

Digitized by Google

O.

Oath. Such an affirmation of the truth of a statement in a formal manner as will render one liable for perjury if the statements so affirmed are material to the issue. An outward pledge given by the person taking it that his attestation or promise is made under an immediate sense of his responsibility to God. A reverent appeal to God that one's declaration or statement is sincere and true. That formal sanction given to the testimony of a witness before testifying.

Oath, corporal. One manifested by laying the hand on or kissing the Bible.

Oath of calumny. At civil law the oath which a plaintiff was obliged to take at the time of commencing his action that he was not actuated by false motive, but had a genuine and **bona fide** cause of action.

Oath decisory. At civil law one of the parties could defer or refer the decision of a matter to the oath of the other party. Thus the plaintiff could defer the oath to the defendant when he thought he had not sufficient proof of the fact which constituted his claim; and in the same manner the defendant may defer it to the plaintiff when he has not sufficient proof of his defense. The person to whom the oath is deferred had either to take it or refer it back, and if he did not do either the cause was decided against him. Bouv. The decisory oath has been practically adopted in the district court of the United States for the district of Massachusetts; and admiralty causes have been determined in that court by the oath decisory. Id.

Oath ex officio. The oath by which a minister or clergyman charged with a criminal offense, in former times, could swear himself to be innocent; also the oath by which the compurgators swore that they believed him innocent. 3 Bl. Com., 101, 447.

Oath in litem. Under the civil law an oath which the complainant was allowed to make as to the value of the thing in dispute, where there was no other proof, or the defendant had been guilty of fraud or had suppressed proof in his possession.

Oath purgatory. The oath by which a person destroys presumptions which were against him until the oath was taken.

Ob. On account of; for.

Ob continentiam delicti. On account of the contaminating character of the offense; because found with something illegal. A phrase expressing the reasons for condemning a vessel carrying aid to an enemy.

Ob turpem causam. For an immoral or base cause or consideration.

Obedience. Submission to authority; performance of commands.

Digitized by Google

Obit. He died. A funeral ceremony, or burial service anciently performed for the dead.

Obiter. Incidentally; by the way, or in passing.

Obiter dicta. That which is immaterial or incidental; unconnected with the main thing or reason. Loose sayings; something by way of illustration, and not necessary to be decided in connection with the point at issue.

Object. To oppose.

Objection. A formal protest against the rulings of a court or judge on a point of law.

Obligation. A binding together; a contract. That which constitutes a legal or moral duty. An enforceable engagement.

Obligation of contracts. The obligation of a contract consists in its binding force on the party who makes it. By constitutional provision this cannot be impaired by law.

The obligation of a contract is not the moral efficacy which inheres and subsists in the contract itself; **propria vigore**, but in its enforceability, in the law applicable to the contract. Whatever belongs to the remedy may be altered according to the will of the state, provided the alteration does not impair the enforceability of the contract; and such alterations may apply to past as well as future contracts. But any law which, in its operation, amounts to a denial or obstruction of the rights accruing by a contract, though professing to act only on the remedy, is directly obnoxious to the prohibition of the constitution. Hence a law which, though addressed to the remedy, in effect deprives a party of all remedy, is unconstitutional. 1 How., 311. But statutes abolishing imprisonment for debt, or discharging debtors from imprisonment in civil actions, are upheld as not impairing the obligation of contract, upon the view that the right of imprisonment is no part of the contract. 12 Wheat., 370.

Obligation, joint. A duty owing or an engagement entered into by two or more persons and for which both are responsible.

Obligation, several. Such a duty or engagement in which two or more are joined, but each is individually liable.

Obligee. The person to whom a bond or undertaking is made; the one entitled, in the first instance, to enforce it.

Obligor. The person by whom a bond or undertaking is made; the one who is bound by it.

Obscene. Indecent or immoral. That which tends to excite lustful passions.

Obscene literature. Written or printed matter which is offensive to chastity, or tends to corrupt or deprave the pure minded.

Obscene publication. The publication of that which offends modesty, is indecent and lewd, and has a tendency to inflame the passions, and debauch society. The

Digitized by Google

question of its truth or falsity is not to be considered, simply the fact that it is not fit for dissemination.

Obscenity. That which tends to the corruption of morals or is calculated to promote the violation of law.

Obsolete. Of no effect; out of date; unenforced. Laws which are unrepealed, but lost sight of.

A positive statute, unrepealed, can never be repealed by non-user alone. The disuse of a law is at most only presumptive evidence that society has consented to such a repeal; however this presumption may operate on an unwritten law, it cannot, in general, act upon one which remains as a legislative act on the statute book, because no presumption can set aside a certainty. Bouv.

Obstructing a street. To block up, hinder or impede traffic in the public highway or street. To neglect to remove, after notice, an obstruction in the highway, is to wilfully obstruct a highway.

Obtemperandum est consuetudini rationabili tanquam legi. A reasonable custom is to be followed as law.

Obtulit se. Offered himself. The words of appearance of a party entered on the record at common law where the other party failed to appear. Abbreviated, **opp.**

Occupant. A person who is in the actual possession of property, whether the owner or not.

Occupation. Actual possession; one's vocation or employment.

Occupantis fiunt derelicta. Things abandoned become the property of the first taker.

Occupy. To possess; to control actually; to enjoy tangible property.

Ochlocracy. Government by mob; the rule of the mob.

Odiosa et inhonesta non sunt in lege praesumanda. Odious and dishonest acts are not to be presumed in law.

Of counsel. A phrase used to indicate that one has been engaged to assist as counsel in an action in which others are also engaged.

Of course. A term applicable to those steps in a legal proceeding which are so much a matter of established routine that no application to the court is necessary before taking them. Also, that which is granted by the court upon application without any further inquiry.

Offence, or offense. A breach of the law; a punishable violation of the law of the land. A crime; a misdemeanor.

Offer. A proposal to do a thing. In contracts, a proposal to enter into a contract, which when accepted by the party to whom made becomes binding.

Office. A position of trust or authority, public or private, which confers a duty and a power. Also the place where business is transacted or carried on.

An office is a public station or employment, conferred by the ap-

Digitized by Google

pointment of government. The term embraces the ideas of tenure, duration, emolument and duties. A government office is different from a government contract. The latter, from its nature, is necessarily limited in its duration and specific in its objects. The terms agreed upon define the rights and obligations of both parties. A clerk appointed by a head of a department, under authority of law, holds an office. 6 Wall., 385.

In the abstract, the word office signifies a place of trust. In legal idea, an office is an entity, and may exist, though without an incumbent. 28 Cal., 382.

Judicial offices are those which relate to the administration of justice. Military offices are such as are held by soldiers and sailors for military purposes. Ministerial offices are those which give the officer no discretion as to the matter to be done, and require him to obey the mandates of a superior. Political offices are such as are not connected immediately with the administration of justice or the execution of the mandates of a superior officer. Thus the office of the President of the United States, heads of departments, members of the legislature, are of this class. Bouv.

Office-book. One kept in a public office, and authorized by the law of the state, other than those appertaining to a court.

Officer. The person who is invested with the power and duty of a position, in which he acts on behalf of the public, or other individuals.

Officer de facto. One who holds and exercises the functions of an office to which he has not a good and sufficient right as a matter of law.

Officer de jure. An officer who is clothed with the full legal right and title to the office, but who may be, by reason of the intrusion of some unauthorized person, out of the enjoyment of the office to which he is entitled.

One is said to be an officer de jure when he is clothed with full legal right and title to the office, though circumstances, such as the intrusion of an unauthorized person, may prevent his performance of the duties. He is officer de facto when, having some apparent authority or color of title, he is actually in the possession of the office, exercising its functions, though his election or appointment may be irregular, or the validity of his title disputed and undetermined. Usually both these characters concur. But when one person exercises the office de facto, while another is entitled de jure, the general rule is, that, as far as the public and the rights of third persons are concerned, acts of the officer de facto will be sustained. Abbott.

Official. Pertaining to or connected with a public office or appointment. An officer or the holder of an office.

Officina justitiæ. The workshop of justice. A term applied to the

Digitized by Google

English Chancery, from which the writs were issued.

Officium nemini debet esse damnosum. An office ought to be injurious to no one.

Offspring. The term includes any degree of lineal descendants, and is synonymous with **issue.**

Old Style. The mode of reckoning time, which prevailed in England and the colonies, until the year 1752. It differed from the New Style, now in use, in the following particulars: The year commenced on the 25th of March, instead of, as now, on the 1st of January. The reckoning of days was based on the assumption that every fourth year was a leap year, instead of, as now, but 97 leap years in four hundred years. The New Style was introduced into the British dominions by Stat. 24, Geo. II., ch. 23, passed in 1751, and came into operation in the following year. It had prevailed in the Roman Catholic countries of the continent since the year 1582. Mozley & W.

Oleron. A small island off the coast of France, which was anciently of considerable commercial importance. A maritime code called the "Laws of Oleron" was promulgated from here during the 12th century.

Olograph. An instrument, as a will, written wholly by the person from whom it emanates. Also spelled **holograph.**

Omne majus continet in se minus. The greater contains the less.

Omne quod inaedificatur solo cedit. All that is built upon it belongs to the soil.

Omnia performavit. He has performed all. A form of plea in bar where the covenants are in the affirmative.

Omnis. All; everything.

Omnis definitio in jure periculosa est. Every definition of law is dangerous. That is, law is difficult of definition, since every rule of law, almost, is subject to exception, and the difference of facts in each case make an exact rule difficult of application.

Omnis exceptio est ipsa quoque regula. Every exception is itself also a rule.

Omnis inovatio plus novitiate perturbat quam utilitate prodest. Every innovation disturbs more by its novelty than it benefits by its utility.

Omnis ratihabitio retrotrahitur et mandato aequiparatur. Every ratification relates back, and is equivalent to a command or an authority.

Omne sacramentum debet esse de certa scientia. Every oath ought to be upon certain knowledge. This maxim is changed in modern practice as many oaths are only upon information and belief.

Omne testamentum morte consumatum est. Every testament is made complete by death.

Omnia praesumuntur contra spoilatorem. All things are to be presumed against a despoilee; i. e., as a maxim of evidence, an in-

Digitized by Google

strument will be presumed to contain matter against a person who has destroyed it.

Omnia praesumunter rite esse acta. Everything is presumed to have been done in due form.

Omnia quae sunt uxoris sunt ipsius viri. All things which are the wife's are the husband's. A maxim expressing the common law rule that the property of the wife belongs to the husband after marriage.

On all fours. A common expression among lawyers to indicate that one case, or the case at bar, is identical with some other case, which is cited as a precedent.

On or about. A phrase used to indicate time so as to avoid the injurious effect of possible error.

On or before. This expression in a note or bill gives the payee the right to pay before the day named as the final day of payment.

Onerous. Oppressive. Burdensome.

Onomastic. A signature by another.

Onus probandi. The burden of proof. If no evidence is adduced by the party having the onus probandi the issue may be found against him.

It is a general rule that the party who alleges the affirmative of any proposition shall prove it. It is also a general rule that the **onus probandi** lies upon the party who seeks to support his case by a particular fact; for example, when to a plea of infancy the plaintiff replies a promise after the defendant had attained his age, it is sufficient for the plaintiff to prove the promise, and it lies on the defendant to show that he was not of age at the time. (1 Term, 648.) But where the negative involves a criminal omission by the party, and, consequently, where the law, by virtue of the general principle, presumes his innocence, the affirmative of the fact is also presumed. In general, wherever the law presumes the affirmative, it lies on the party who denies the fact to prove the negative. Bouv.

Oneris ferendi. Of bearing a burden. In the civil law, a servitude of support for the wall or weight of the adjoining structure.

Ope et consilio. By aid and counsel, civil law term for accessories.

Open account. An account which is yet fully open to be disputed, and has not been settled. Also refers to mutual dealings which are still continuing and have not been closed.

An open account is one in which some item of the contract is not settled by the parties, whether the account consists of one item or many; as where several loads of corn are sold at the same time, and delivered, and there is no stipulation as to the price, the account is open. 1 Ala., 62.

Opening. The beginning; the right to make the first address to a jury after the evidence is all in; the commencement.

Digitized by Google

Opening a judgment. In Pennsylvania practice, the act of the court in setting aside or annulling the effect of a judgment so far that it cannot be executed, although it still retains some qualities of a judgment, and operates as a lien upon the real estate of the defendant. In practice it is confined to judgment by default, and those entered on warrant of attorney to confess, and the like. It results from the courts in this state have both equitable and common law jurisdiction, and this opening of the judgment by default, is the same as a substitute for a bill in equity to enjoin proceedings at law. 49 Pa. St., 365; 6 W. & S., 493.

Opening a rule. The act of restoring or recalling a rule, which has been made absolute, to its conditional state, as a rule **nisi**, so as to readmit of cause being shown against the rule.

Operation of law. The effect of legal principles when applied to facts; the obligation of law; its practical workings and effect. A phrase signifying the acquisition of rights under the law.

Opinion. A judgment or decree of the court. The reasoning given for a conclusion of law or fact.

Opinion, concurring. One that agrees with another. Thus where there are two or more judges in a court and separate opinions are rendered they are called concurring and dissenting opinions.

Optima est lex quae minimum relinquit arbitrio judicis; optimus judex qui minimum sibi. That law is the best which leaves least to the discretion of the judge; that judge is the best who acts least upon his own (judgment) Broom, Max., 84.

Optimacy. A noble or privileged class; also a government by nobles or a privileged few.

Optimus. Best.

Optimus interpres rerum usus. The best interpreter of things is usage.

Option. In contracts, a right of election, or a choice between two things.

A contract by which A, in consideration of the payment of a certain sum to B, acquires the privilege of buying from or selling to B, specified securities or property at a fixed price within a certain time. 71 N. Y., 420. Stock market options are of three kinds, viz., "calls," "puts" and "straddles," or "spread eagles." A **call** gives A the option of calling or buying from B or not certain securities. A **put** gives A the option of selling or delivering to B or not. While a **straddle** is a combination of a put and a call, and secures to A the right to buy of, or sell to, B or not. Where neither party, at the time of making the contract, intends to deliver or accept the shares, but merely to pay the differences in values according to the rise or fall of the market, the contract is void both by statute and as being contrary to public policy. 89 Pa. St., 250; 71 N. Y., 420.

Optional writ. An original writ, the language of which is in the alter-

Digitized by Google

native, directing the defendant to do a certain thing, or show cause why it should not be done. The usual form of a writ of mandamus.

Opus magnificium, or manificium. Manual labor.

Oral. Spoken, as distinguished from written, as oral evidence.

Orator. The former designation of the plaintiff in chancery proceeding, who styled himself in addressing the chancellor as "your orator." A woman petitioner used the term "oratrix."

Ordain. To institute, to clothe with authority; to appoint; to prescribe or enact.

Ordeal. The most ancient species of trial, by which the accused was compelled to submit to fire and water, if he escaped without injury he was accounted innocent. The ordeal was based upon the notion that God would interfere miraculously to vindicate the guiltless.

Order. Any command, direction or mandate from a court or superior authority. The formal paper or writ embodying any direction of a court or judge, other than a judgment or decree, and made to be entered of record, as one of the proceedings in a cause. Abbott.

Ordinance. A statute or resolution or decree of any nature; most commonly applied to the laws enacted by the legislative authority of a municipal corporation.

The distinction between an ordinance and a statute as given in Bacon's Abridgment, **Statute** (A) is as follows. "Where the proceeding consisted only of a petition from parliament and an answer from the king, these were entered on the parliament roll; and if the matter was of a public nature, the whole was then styled an **ordinance**; if, however, the petition and answer were not only of a public, but a novel nature, they were then formed into an act by the king, with the aid of his council and judges, and entered on the statute roll." Coke Litt., 159b, Butler's note.

Ordinary. Usual; something common or reasonable.

Ordinary care. That degree of care which a person of ordinary prudence is presumed to use under the particular circumstances to avoid injury; it varies according to the danger to be avoided and the consequences which would result from neglect. 25 Ind. 185.

Ordinary negligence. The want of such care and diligence as reasonably prudent men, generally, in regard to the subject-matter of inquiry, would use to prevent or avoid an injury. 49 Kan., 460.

Ordinary skill. Such skill as a person conversant with the matter undertaken might be reasonably supposed to have. 15 Mass., 316.

Ordination. In ecclesiastical law, the conferring of holy orders; initiating one into the priesthood.

Ore tenus. By word of mouth. Verbally; or orally.

Digitized by Google

Organic law. The basic law or constitution of a state or country.

Original. From the beginning; spontaneous; not the result of imitation.

Original entry. The first series of entries made in the set of books of an account; the first charge of a thing in an account made at the time of the sale or transaction. Original entries are to be distinguished from subsequent entries made in other books as journals and ledgers.

Original jurisdiction. That authority to hear and determine cases in the first instance, and to try and determine the questions of fact involved, and apply the law, as distinguished from appellate jurisdiction.

Original package. A term used in several leading cases construing the commerce clause of the Constitution, and denoting the casing in which imported merchandise is kept and handled while in course of transportation, whether large or small.

The power to regulate or forbid the sale of a commodity after it has been brought into a state does not carry with it the right and power to prevent its introduction by transportation from another. 125 U. S., 465. It is held further in Leisy v. Hardin, 135 U. S., 100 (three judges dissenting), that a state statute prohibiting the sale of intoxicating liquors, etc., is, as applied to a sale by an importer and in the original packages or kegs unbroken and unopened, of such liquor brought from another state, unconstitutional and void as repugnant to the commerce clause of the constitution. See for modification of this holding, 155 U. S., 461.

Original process. The first writ or summons for the purpose of getting the defendant into court.

Original writ. An original writ was the process formerly in use for the commencement of personal actions. It was a mandatory letter from the king, issuing out of chancery, sealed with the great seal, and directed to the sheriff of the county wherein the injury was committed, or was supposed to have been committed, requiring him to command the wrongdoer or accused party either to do justice to the plaintiff, or else to appear in court and answer the accusation against him. This writ is now disused, the writ of summons being the process prescribed by the uniformity of process act for commencing personal actions; and under the judicature act, 1873, all suits even in the court of chancery, are to be commenced by such writs of summons. Brown.

Orphan. A child one or both of whose parents are deceased.

Orphan's Court. Courts in some of the American states which have more or less general probate jurisdiction. These courts exist in Pennsylvania, New Jersey, Delaware and Maryland.

Ostensible partner. One who holds himself out as a partner.

Oust. To eject; to remove from.

Digitized by Google

Ouster. The act of putting one out of office, or from possession. Dispossession; eviction.

Out-house. A small building adjoining or belonging to a dwelling house and within the curtilage.

Outlaw. Beyond the protection of the law; a person who is put beyond the protection of law and stripped of his civil rights, because of committing offenses against the law.

Outlawed. When applied to a note, signifies that it is barred by the statute of limitations.

Out of court. At common law, unless a plaintiff filed his declaration within one year after the service of the summons, he was out of court, unless, by permission of the court, he had secured a longer time in which to file his declaration.

Out of the state. Same as beyond sea, meaning that one is beyond the territorial jurisdiction of the court.

Outrage. A general term signifying some heinous offense or particularly atrocious crime.

Outstanding. Unsettled; uncollected; not discharged.

Overdraft. A term signifying that one has drawn upon a bank or other place of credit more than one's deposit or credit there would justify.

Overdue. Matured and unpaid commercial paper; past the time of payment. Dishonored.

Overplus. The same as surplus; the residue, or remainder of a thing after some other claim or charge has been satisfied.

Overrule. To deny a request or motion; to make a ruling or decision contrary to the one asked, or different from earlier precedents.

Overt. Open; public. As applied to crimes it signifies an act which manifests the intention of the person by opening his designs.

Owe. To be indebted to, or under obligations to another.

Owelty. Equality. The difference or sum which is paid by one of two joint owners, upon a partition of lands which cannot be quite equally divided, in order to equalize the respective shares.

Owner. One who has the dominion and title to a thing.

Although there can be but one absolute owner of a thing, there may be a qualified ownership of the same thing by many. Thus, a bailor has the general ownership of the thing bailed, the bailee the special ownership. The word owner, when used alone, imports an absolute owner; but it has been held in Ohio that the word owner, in the mechanics' lien law, includes the owner of the leasehold as well as of the reversion, on the ground that any other construction would be subversive of the policy and intent of the statute. 2 Ohio, 123.

Owner, joint. One owning or holding property with another or others.

Own motion. In law signifies voluntarily; without compulsion or suggestion from another.

Digitized by Google

Oyer. A law French term signifying to hear. A hearing or trial; a plea or prayer that a deed or instrument in writing may be read in court. A request for the production of an instrument in writing.

Oyer and terminer. A phrase meaning hear and determine. A class of courts having original criminal jurisdiction.

Oyes or **Oyez.** Hear; hear ye. The introductory word repeated by the court prior to opening court.

P.

Pace. A measure of distance, being two and one-half feet. The common term "pace" signifies the distance or length of a step; while a geometrical pace is the length of two steps or the whole space passed over by the same foot from one step to another. See Bouv.

Pacific blockade. A means of coercion employed by nations separately or by joint action, not involving a declaration of war, but simply to enforce some measure, or enforce some regulation. Thus Great Britain and Germany united in a pacific blockade of the ports in order to break up the slave trade and stop the importation of arms on the east coast of Africa.

Pack. This word is used to signify the attempt to control a jury by putting in the panel the friends or adherents of the accused; such a jury is said to be packed. To deceive; or false appearances; to counterfeit.

Package, original. The wrapping or case in which merchandise is put for the purpose of transportation. Under court decisions commodities while in the original package are not subject to certain police regulations, as the laws prohibiting the sale of liquor.

Pact. An agreement.

Pacta privata jure publico derogare non possunt. Private agreements cannot detract from the public law or statute.

Pactum constitutae pecuniae. In the civil law, an agreement for the payment of money which one owes to a creditor.

Pactum de non petando. An agreement not to demand. A civil law agreement between debtor and creditor which releases the debtor from the payment of his debt.

Pactum de quota litis. The civil law agreement by which a creditor contracted to give a part of a debt to one who was to collect it.

Pain. A penalty; punishment. Mental or physical suffering.

Pairing-off. A custom which is said to have originated in Cromwell's time of members of parliament or the legislature to agree with a member of the opposition that both shall be absent from

Digitized by Google

voting on a question or on all questions within a given time. In this way the same balance of votes is secured as if both were present and voting.

A phrase signifying an agreement between two persons who are of opposite political parties not to vote; also a similar agreement between two members of a legislative body who are opposed to each other upon a pending measure or measures.

Pais. Originally the country or neighborhood; the people of the district or vicinage. The jury.

Pais, in or **en.** Matter in pais, is styled matter of fact, in the contradistinction to matters of record or matters of law, since such matters were tried to the country or a jury.

Pandects. The title of three compilations of the civil law prepared under the direction of the Emperor Justinian; also known as the Code Justinian, or Digest.

Pamphlet. Printed sheets are stitched together but are not covered with a permanent binding like a book.

Pan-American. Signifies all-American; a term applied to all the territory or nations in the American continents.

Panel. A list of jurors summoned to attend a court.

Paper-book. In legal practice, a book or series of papers containing an epitome of all the pleadings and facts in a controversy. Such a book or record has to be furnished the judges when a case is taken to the higher courts on error.

Paper money. Paper issued by a government to be used as money, and which is redeemable by the government in coin.

Par. Equal in value; nominal value or apparent worth.

Par, above. A term signifying that the price of a thing on the market is greater than its original or face value.

Par, at. Term indicating that the price on the market is the same as the face value of the commodity.

Paravail. Below; of inferior rank.

Par oneri. Equal to the burden or damage.

Par value. Face value, or the original price at which stock is issued.

Parachronism. A mistake in the computation of time.

Paramount. Superior. Of higher quality.

Parapherna. A civil law term for the property of a wife other than her dowry.

Paraphernalia. The Anglicized term for parapherna. The articles belonging to a wife outside of her dowry, such as apparel and ornaments.

Paratum habeo. I have him in readiness. Common law return of the sheriff signifying that he has the defendant ready to be brought into court.

Digitized by Google

Paratus est verificare. He is ready to verify.

Parcels. Distinct portions. A term applied to land described by its boundaries as set forth in a conveyance or deed.

Parcener. A co-tenant or co-parcener.

Pardon. An act of grace or forgiveness on the part of a sovereign or government to one who has been convicted of a crime, thereby releasing such person from further punishment. An act of clemency on the part of the executive releasing an offender from the penalties prescribed for his wrongdoing.

An absolute pardon is one which frees the criminal without any condition whatever.

A conditional pardon is one to which a condition is annexed, performance of which is necessary to the validity of the pardon.

A general pardon is one which extends to all offenders of the same kind. It may be express, as when a general declaration is made that all offenders of a certain class shall be pardoned, or implied, as in the case of the repeal of a penal statute. Bouv.

Parens patriae. Father of the country. A phrase expressing the relation of the sovereign to the subject, by virtue of which he has a sort of guardianship over persons under certain legal disabilities.

Parent. The father or mother.

Parent and child. A phrase signifying the legal relation arising between a parent and child.

Pari delicto. In equal fault.

Pari materia. In equal matter; a similar subject.

Parium judicium. Judgment of one's peers. The right of trial by a jury of one's peers.

Paribus sententiis, reus absolvitur. Where the opinions are equal the defendant is acquitted. If the judges are equally divided a judgment which is being reviewed is thereby affirmed.

Parish. In English ecclesiastical law the circuit of ground which is permitted to the charge of one parson or vicar. Hence a territorial division for ecclesiastical purposes. In Louisiana a civil division similar to county.

Park. Originally, an inclosed portion of one's estate to be used for hunting purposes. Now it signifies a place set apart in a city or village for public recreation.

Parliament. The legislative body of Great Britain.

Parliamentary law. That body of the recognized usages of parliamentary and legislative assemblies by which their procedure is regulated, which takes its name from the British parliament and on the practice of which it is mainly founded, with such changes and modifications in American deliberative bodies as has been necessary to adapt it to the usages of this country. Bouv.

Digitized by Google

Parol. Not in writing; not under seal. Also orally or by word of mouth.

Parol is often used as if precisely equivalent to "oral" and "verbal." We think, however, there is a justification in usage, and very great convenience in distinguishing the various words in this group, as follows: Verbal should mean that which is embodied in language, as distinguished from that which is implied or imputed, and irrespective of whether the language is written or not. Oral should mean that which has been expressed in speech only, and not embodied in writing; it negatives writing. Parol should mean that which may or may not be in writing, but which need not be in writing; the writing is accidental, not a prescribed or necessary formality. Abbott.

Parol agreement. An agreement made orally; not in writing. Also an agreement which is in writing but not under seal. See Abbott.

Parol arrest. One ordered by a court or magistrate for the detention of a person for the commission of an offense in the presence of a court.

Parol demurrer. A plea to delay proceedings in an action because one of the parties interested is an infant, and the purpose of same is to delay the trial of the action until such minor arrives at majority.

Parol evidence. Evidence given orally by a witness. Also evidence that need not be in writing; evidence outside of or independent of a written instrument.

Parol lease. One which is written but not under seal. The rental of property upon an oral agreement.

Parole. The giving liberty to a prisoner on his promise that he will not escape or if a war prisoner, on his oath that he will not again take up arms against his captors. Also a system by which offenders are released from prison before the expiration of their sentence, on their agreement to report at stated times to the officials, and are subject to be returned to prison if they violate the conditions of their parole.

Parricide. One who has committed a murder of his parent. The murder of a parent or ancestor. Under the civil and French law this offense was a specific crime and received an aggravated punishment. It included mother-killing also.

Pars. A part; party.

Pars enitia. The eldest part; the share of the oldest in a partition suit.

Parson. The rector of a parochial church.

Parsonage. The house set aside for the residence of the minister; the portion of lands and emoluments set aside for the maintenance of the minister or parson.

Pars rationabilis. A reasonable part. The part of a man's estate which the law gave to his wife or heirs upon his decease.

Digitized by Google

Pars viscerum matris. Part of the mother's bowels; a phrase signifying a child unborn.

Part. A portion or share; not the whole.

Parte inaudita. One side being unheard. A Latin phrase having reference to a cause in which one party only has had a hearing; or of making a decree without a hearing.

Parte integrante sublata, tollitur totum. Taking away an integral part destroys the whole.

Parte non comparente. One party not having appeared; a default.

Partial loss. A partial destruction of property which has been insured. When the property or thing has been totally destroyed, or so damaged as to be worthless, it is designated as a "total loss."

Particeps. A partaker, or sharer; a participant or accomplice.

Particeps criminis. One who participates in the crime with another; an accomplice. The term is also used to signify one who assists or participates in a fraud or tort.

Particular estate. An estate which is carved out of a larger, and which precedes a remainder, as, an estate for years to A, remainder to B for life; or, an estate for life to A, remainder to B in tail; this precedent estate is called the **particular estate,** and the tenant of such estate is called the **particular tenant.** Bouv.; 2 Bl. Com. 165.

Particularity. In pleading, signifies the setting forth of matters with great carefulness and with reference to all the details.

Particular lien. The right which a person has to retain specific property for money or labor expended on such property. 21 Wend. 14.

Particulars. Details; the items of a bill or claim.

Particulars of sale. Those conditions of a sale at auction which give the terms and conditions upon which the sale is to take place.

Parties. Those having a direct interest in a controversy; the ones concerned in an act or transaction.

Parties and privies. Parties to a deed or contract are those with whom the deed or contract is actually made or entered into. By the term privies, as applied to contracts, is frequently meant those between whom the contract is mutually binding, although not literally parties to such contract. Thus, in the case of a lease, the lessor and lessee are both parties and privies, the contract being literally made between the two, and also being mutually binding; but if the lessee assigns his interest to a third party, then a privity arises between the assignee and the original lessor, although such assignee is not literally a party to the original lease. Brown.

Partition. A division; an allotment of shares. Term signifies the right or the proceedings to en-

Digitized by Google

force the right, which the joint owners of real property have to compel a division of the land held in common.

Partner. A member of a partnership. One who is associated with others in business, and who has a joint interest therein, and shares the profits and losses with them.

Partner, nominal. One who is such in name only and has no real interest in the concern.

Partner, silent. One who takes no active interest in the control of the firm business.

Partnership. That status or legal relation which exists between persons who have united their common property in a business or undertaking, and agreed to share the profits and losses in a certain proportion.

A relation founded upon a contract between two or more persons to do business as individuals on a joint undivided account. Bouv.

Partnership is a contract of two or more competent persons to place their money, effects, labor and skill, or some or all of them, in lawful commerce or business, and to divide the profits and bear the loss in certain propositions. 3 Kent Com. 23.

Partnership, articles of. The contract or instrument in writing which evidences formation of a partnership.

Part owner. One of several persons who own property together, or in common.

Part performance. The doing some part or portion, but not the whole, of what either party to a contract has stipulated to do. Under the statute of frauds, part performance saves the contract from being declared invalid; and also enables the party performing in part to enforce specific performance by the other.

Parturition. Giving birth to a child.

Partus sequitur ventrem. The offspring follows the womb. A maxim of the civil law, signifying that the ownership of the young of animals belongs to him who owns the mother. Under slavery this rule was followed; so that the child of a female slave was born into slavery, notwithstanding the fact that the father of the child was free.

Party. One who is interested or connected with an act, contract or suit. A participant or sharer in anything.

A person concerned or having or taking part in any affair, matter, transaction, or proceeding, considered individually; also, a side or part, composed of one or more individuals. Burrill.

Party and party. A phrase signifying the contending or litigating parties in an action; plaintiff and defendant.

Party-wall. A wall between two adjoining owners, which has been built by such owners jointly or is owned by them in common. Such a wall may or may not stand partly on the land of each of the owners.

Digitized by Google

Parvise. A legal disputation or moot case among law students.

Pass. To approve; to be credited. Also in the crime of forgery or counterfeiting it signifies to utter or circulate the counterfeit or forged instrument. Also a written permit from some one in authority for another to do a certain thing or act. As applicable to railroad transportation a pass signifies that the holder is to be transported free of charge.

Passenger. A person who is traveling in a public conveyance, under a contract express or implied with the owner of the conveyance, for such transportation.

Passport. A license to pass a port or haven; a license to pass safely from one place to another. In modern times it signifies a clearance document for a merchant vessel in time of war; also a safe conduct or warrant of protection and authority to travel issued by a government to a person who is traveling outside of his own country.

Patent. Open; unsealed; that which is apparent and not ambiguous. Also a right granted an inventor by a government; to exclusively make and vend his invention. The evidence of such a right or grant.

Patent office. The governmental bureau established for the issue and regulation of patents under the patent laws of a country.

Patent-right. The right or privilege secured by law, and evidenced by letters-patent to one who has invented and patented a new and useful article.

Patentable. Answering the conditions required to secure a patent; legally sufficient to entitle the owner to a patent.

Patentee. The person to whom a patent has been granted.

Patent rolls. A register or record kept in England of all the letters patent granted since 1617.

Pater. Father.

Pater est quem nuptiae demonstrant. He is the father whom the marriage indicates as such. This rule, at the civil law applied to children born before the marriage, but not at common law. After marriage all children born are presumed to be the legitimate offspring of the husband and wife, but this presumption may be rebutted.

Pater familias. In civil law the father of a family; one who was sui juris.

Patria potestas. Paternal authority. In Roman law the phrase signified the power of the pater familias over his family, which was not limited to children, but included wife, children, grandchildren and all others who came under the control of the head of the family whether by marriage or adoption.

Patricide. The offense of killing one's father.

Patrimony. Such property as one receives from an ancestor as distinguished from other acquired property.

Digitized by Google

Pauper. Poor; a person so poor that he has become a public charge. Also one who sues or defends in forma pauperis, as a pauper.

Pawn. A thing bailed or deposited in the contract of a pledge. Also the contract of pledge.

Pawnbroker. The modern designation of one who makes a business of loaning money on security of personal chattels which are left in pledge with him until the loan is repaid.

Pay. To discharge an obligation; to deliver money or other article in satisfaction of a debt, duty, or obligation.

Payable. Something due; ready to be paid or satisfied.

Payee. The person to whom money is to be paid; the party in whose favor a note, bill, or check is drawn.

Payer. The person by whom payment should be or has been made.

Payment. The act of satisfying or discharging a debt or obligation. Also the thing or value paid or delivered.

Payment into court. A phrase signifying the deposit of money in court by a defendant in an action, being the amount that he claims due. A tender.

Peace. Quiet and orderly behavior; the public safety and quiet. Also condition of comity and friendship between independent nations, as distinguished from war.

Peculation. Embezzlement of public property.

Peculium. In civil law, private property. The private or separate property allowed to one who was not sui juris; particularly the limited amount of money or property which a son or a slave was allowed to have, separate from the accounts or stocks of his father or master. Abbott.

Pecunia. Property, wealth; money. Anciently the chief source of wealth was cattle and flocks, and pecunia, derived from pecus, meaning a flock or herd, was the general name in the Roman law for wealth and property. In modern times the word denotes money.

Pecunia numerata. Money counted or money paid. Pecuniary. Relating to money or monetary matters.

Pecuniary legacy. A gift or bequest of money.

Peddler. A person who travels about the country selling merchandise. An itinerant individual, ordinarily without local habitation or place of business, who travels about the country carrying commodities for sale. 75 Ia. 74.

Pedigree. One's descent; relationship or family connection. The connected history of one's ancestors with the facts of birth, marriage, and death, and the times these events happened.

Pedis possessio. A civil law term signifying placing the foot, or taking actual possession of landed property.

Digitized by Google

Peer. Originally an equal in rank or station. In modern English law, members of the nobility are called peers.

Peine. Punishment.

Peine forte et dure. Severe and hard punishment. Anciently, a species of punishment or torture inflicted upon one for standing mute, and refusing to plead to an indictment or felony.

In 2 Reeve, Hist. Eng. Law, 134, the method of punishment is described as follows: Time was given for reflection and often the unfortunate was subjected to entreaties of friends and others, but if he remained obdurate he was adjudged to suffer **peine forte et dure.** The judgment was that he return from whence he came, to a low dungeon into which no light could enter; he was to be laid down, naked, on his back, on the ground, his feet and head and loins covered, his arms and legs drawn apart by cords tied to posts, a sharp stone under his back, and as much weight of iron or stone as he could bear, or more than he could bear, placed on his chest. He was to have the next day three morsels of barley bread, without drink; the next, three draughts, as much each time as he could drink, of the nearest stagnant water to the prison, without bread; and such was to be his diet on alternate days, till he died. This punishment was vulgarly called **pressing to death.** This method of coercing a plea was not abolished in England until 1772, and at least one case of such punishment occurred in America in colonial days.

Pelagic sealing. The killing of seals in the open sea.

Penal. Relating to punishment or suffering; an infliction of loss or punishment as a matter of restraint or sanction. The word is also used as a synonym for criminal.

Penal action. An expression signifying a suit to collect a penalty imposed by law.

Penal clause. That part or subdivision of a statute in which the sanction or punishment given for its enforcement is stated.

Penal sum. The amount stated as a forfeiture in a bond or penal bill.

Penalty. (1) punishment or a fine; (2) the money recovered or to be recovered under a penal statute; (3) the amount to be forfeited as stated in a bond.

Penance. An act involving shame or suffering, which a convict is required to perform by way of punishment. Penance is self-inflicted, being compelled by ecclesiastical censure.

Penance is an ecclesiastical punishment used in the discipline of the church, which affects the body of the penitent, by which he is obliged to give a public satisfaction to the church for the scandal he has given by his evil example. Thus, for incontinence, the offender is usually enjoined to do a public penance in the parish church, bareheaded and barefooted, in a white sheet, and to

Digitized by Google

make open profession of his crime in a prescribed form of words, which is augmented or moderated according to the quality of the offense and the discretion of the judge. Wharton.

Pendens. Pending.

Pendente lite. During litigation; or pending the suit.

Pendente lite nihil innovetur. Pending a suit nothing should be changed. That is, all persons are bound to notice a pending suit and take subject to the rights to be established under it.

Penitentiary. A prison, or place for the confinement of persons convicted of crime.

Pension. In civil law, an annual rent. A periodical amount allowed a person by the government in consideration of past services or dangers undergone or for injuries received.

Per. By; during; through.

Per aversionem. By turning away. A civil law term signifying a sale of goods in bulk, and not by weight or measure. Similar to common law expression "in bulk" or "by the lump."

Per capita. By heads; according to the whole number of individuals.

Per contra. To the contrary; on the contrary. On the other side of the account.

Per curiam. By the court. A decision by the judge.

Per formam doni. By or according to the form of the gift; by the direction of the grantor or donor.

Per my et per tout. By the half and by the whole; pertaining to a moiety, and the whole. A phrase which describes the nature of the interest of joint tenants.

Per minas. By threats.

Per procuration. By proxy; by another. Abbreviated per proc.

Per quod. By which; whereby.

Per quod consortium amisit. By which he lost her company.

Per quod servitium amisit. By which he lost her (or his) services. This phrase was used in declarations at common law in trespass by a master for an injury to his servant, and introduced the averment of loss of service for which damages were demanded. The phrase also came to be used as designating this class of actions. It was also the usual remedy by a father for the seduction of his daughter, the relief being demanded on the basis of loss of service.

Per se. By itself; in itself.

Per stirpe. By stock; by roots; by right of representation. A civil law term, used in the modern law of distribution and descent, indicating that the distributees take according to the interest which their ancestors would take if living. The phrase is used in distinction from per capita.

Per testes. By witnesses.

Per universitatem. By the whole or as an entirety.

Per verba de praesenti. By words in the present tense. A phrase

Digitized by Google

signifying a method of contracting marriage at common law.

Per verba de futuro. By words in the future tense. A common law mode of contracting marriage if followed by consummation or a living together.

Peremptory. Absolute; decisive; obligatory. A final decision or a determination to act without doubt or question.

Peremptory challenge. A privilege or right allowed a party at the trial, of objecting to a person called as a juror, and having such person withdrawn without assigning any cause for the challenge. The number of peremptory challenges is regulated by statute, and is uniform in civil cases but differs as to the higher crimes, more peremptory challenges being allowed in capital cases.

Peremptory mandamus. The second writ in a mandamus case, the first usually being in the alternative form. The peremptory writ commands the doing of the act absolutely, and admits of no alternative.

Peremptory plea. One that if substantiated destroys the right of action, such as a plea in bar, or to the merits of the action. The term issued in contradistinction to dilatory pleas which simply delay or retard the case, and do not go to raise an issue on the merits. Peremptory pleas are also styled pleas in bar, while dilatory pleas are pleas in abatement.

Peremptory rule. An order of court which must be complied with promptly and fully, without opportunity of argument or hearing in opposition.

Perfect. To complete; without defect.

Perform. To carry out or execute. To do something.

Performance. The act of doing something; the thing done. Is said to be synonymous with fulfillment.

Periculum rei venditæ, nondum traditæ, est emptoris. The risk of a thing sold, while undelivered, is the purchaser's.

Peril. In insurance law, the risk, contingency, or cause of loss insured against by the policy.

Perils of the sea. Such perils as are strictly the natural accidents peculiar to the water, and not caused by the fault of man; but under the law phrase includes some things not strictly resulting from natural causes, as captures by pirates and collisions, which are not caused by the fault of either ship.

All marine casualties resulting from the violent action of the elements, as distinguished from their natural, silent influence upon the fabric of the vessel. 74 Fed. Rep. 413. It is a loss happening in spite of all human effort and sagacity. 2 Kent Com. 597.

Periodical. Occurring at regular intervals of time.

Perishable. Such articles as are subject to speedy and natural decay. A statutory authority to sell

Digitized by Google

perishable property which has been seized on an attachment, should be limited to such goods as are liable to perish before the time arrives at which they might be sold in regular course of the proceedings. 31 Conn. 495.

Perishable goods. Such as will not keep, or become damaged or destroyed if not made use of quickly.

Perjury. The offense committed by one who having taken an oath or affirmation, lawfully imposed, to testify truly, wilfully makes a material assertion believed to be untrue. Abbott.

Perjury is a corrupt, wilful, false oath, taken in a judicial proceeding, in regard to a matter material to a point involved in the proceeding. This oath must be taken before some officer or court having authority to administer it, and he must confine his action to the authority given. And it is competent to show that the accused might have been led into a mistake; for then the oaths, though untruthful, cannot have been perjury. 44 A. L. A. 81.

Perjury, subornation of. The offense of procuring another to commit perjury.

Permanent abode. The usual and habitual home of a person, and to which a person intends to return when absent for any reason.

Permission. A license or authority to do an act, which cannot be legally done without such authority.

Permissive waste. Such as is allowed, or not forbidden. That kind of waste which results from omission, as neglect to repair a house where the tenant is obligated to make repairs.

Permit. To give consent to; to suffer or allow to be done.

Pernancy. Enjoying or receiving something, as profits.

Perpetrate. To be guilty of; to perform or commit an act.

Perpetrator. One who has committed or been guilty of a criminal act or offense.

Perpetual. Everlasting; unending; continuous; without limit as to time.

Perpetual injunction. An injunction which is not merely temporary or provisional, and which cannot be dissolved except by appeal, or some proceeding in the nature of an appeal.

Perpetuating testimony. A mode by which testimony of aged or sickly persons or those liable to go beyond the jurisdiction may be reduced to writing and preserved for future legal proceedings. The proceeding is regulated by statute in the various states.

Perpetuity. Technically, a perpetuity signifies any limitation or restriction upon the alienation of land or the investment of money which will continue the benefits thereof to the enjoyment of the persons in a particular line of descent. Such restrictions for a longer period than a life or lives in being, and twenty-

Digitized by Google

one years thereafter, are illegal and void as against public policy, and are called perpetuities.

Perquisites. (1) The profits of an office or station. (2) Those things which a man obtains of his own industry, or by purchase, as distinguished from those which he acquires by descent.

Person. A broader term than man, including any human being, association, or organized corporation recognized as possessing rights and duties under the law.

Person, natural. Any human being, male or female; the term is used to distinguish individuals from artificial persons such as corporations, etc.

Persona conjuncta aequiparatur interesse proprio. A close relationship or united personality is equivalent to one's own interest. One of Bacon's maxims, which he explains as follows. "The law hath that respect of nature and conjunction of blood, as in divers cases it compareth and matcheth nearness of blood with consideration of profit and interest, yea, and in some cases alloweth of it more strongly. So, if a man menace me, that he will imprison or hurt in body my father or my child, except I make unto him an obligation, I shall avoid this duress as well as if the duress had been to my own person." Bac. Max.

Personal. Pertaining to the person; that which belongs to an individual, or human being. Also that which is done in person.

Personal action. An action for the recovery of personal property, or the enforcement of a contract, or damages growing out of acts or neglects of duty by persons. Term is used to distinguish such actions from actions in rem.

Personal assets. Personal property; chattels, money and contracts, as distinguished from real property.

Personal injury. An injury inflicted upon one's person or body as opposed to injuries affecting his property or reputation.

Personal liberty. Freedom under the law; the same as civil liberty.

Personal property. This term includes all property of a movable or personal nature, as well as rights or interests in land which are less than a freehold. Chattels; personalty.

Personal representatives. Executors or administrators of the deceased person.

Personal security. A term which signifies a safety or protection of the individual under the law. Also, a security for a debt which looks to the individual as distinguished from those which are liens on land.

Personalty. Personal property; movables, the opposite of real property.

Personalty signifies generally any personal property, in contradistinction to realty, which signifies real property. In our old law, an action was said to be in the personalty when it was brought for damages out of the personal estate of the defendant.

Digitized by Google

Personalty is either pure or mixed. Pure personalty is personalty unconnected with land; mixed personalty is a personal interest in land, or connected therewith. The distinction is important with reference to the statutes of mortmain, as pure personalty is not within the operation of those statutes. Mozley & W.

Pertinent. Relevant; important or material.

Perverse verdict. A return by a jury of a verdict which is contrary to the law as given by the court.

Petit. Small; the lesser of two.

Petit or petty jury. The lesser jury. The ordinary jury of twelve persons, for the trial of causes as distinguished from the grand jury, usually consisting of a greater number of persons.

Petit, or petty larceny. Small larceny. At common law the stealing of property of less value than twelve pence was distinguished from stealing things of greater value, and punished less severely. The distinction has maintained in modern statutes, though the amount varies in the several states.

Petit, or petty, treason. The killing of a person in authority by an inferior was, in early English law, styled petit treason, as it involved somewhat the element of breach of allegiance, so prominent in high treason. See 4 Bl. Com. 89, 203, 204. This crime is now murder only.

Petition. A formal written application made to a superior authority or to a court of law, setting forth a statement of facts and praying for relief.

Petition of rights. A parliamentary declaration of the liberties of the people, assented to by King Charles I., in 1629. In English law, also a proceeding in the chancery by a subject to recover property from the possession of the king.

Petitioning creditor. Proceedings in compulsory or involuntary bankruptcy are commenced upon the petition of some creditor or creditors, setting up the facts of the debtor's insolvency and asking that he be adjudged bankrupt and his property distributed among the creditors, the creditor or creditors so petitioning are styled the petitioning creditors.

Petitory. In admiralty and civil law practice, suits which involve and litigate only the title to property are called petitory, in distinction from those which seek to recover the possession, and are hence called possessory actions. 1 Kent Com. 371.

Pettifogger. A term applied to a lawyer whose knowledge of the law is limited, or one whose business is in connection with small or petty cases. Also one who resorts to dishonest or unjustifiable methods or sharp practice.

Pew. A seat in a church, separate from all others, with a convenient place to stand therein. Bouv. It is an incorporeal inter-

Digitized by Google

est in the real property. The pewholder does not own the soil. 32 Barb. 234.

Phrenasthenia. A morbid condition, also known as the insanity of the degenerates, used to indicate the general mental infirmity of degenerates, or individuals with vices of organization who are insane, but whose insanity presents special characteristics growing out of mental infirmity. It is usually hereditary and congenital. 2 Clevenger, Med. Jur. 856.

Physical examination. The examination of one's person allowed by court under circumstances where the matter in dispute cannot be otherwise fairly determined. It has been allowed in both civil and criminal cases from early times, but the rule is quite restricted in criminal cases except by the consent of the accused.

Physician. One licensed to practice medicine; one lawfully engaged in such practice.

Pia fraus. A pious fraud; one that is considered justifiable because of the ends sought to be promoted.

Picketing. A modern term designating the action by working men who have quit their employment, or are on a strike, of placing men in sympathy with them in the vicinity of the factory or work shop which they have quit for the purpose of inducing or coercing others employed there to quit their work and join them.

Pickpocket. A kind of thief. One who secretly steals from the pockets or person of another.

Piepoudre; pied poudre. Literally, dusty foot. A term applied in early England to itinerant traders or peddlers.

Piepoudre court. The peddler's or pedestrian's court. An early English court held at fairs and markets and in which small actions there arising were speedily tried.

Pignus. A civil law term for pledge, meaning both the contract and the thing pledged.

Pillory. An old fashioned contrivance in which the neck and feet of the culprit were enclosed, as a punishment for the smaller offences. Abolished in England in 1837.

Pilot. Formerly, a helmsman, or steersman; but in modern, a person appointed and authorized in view of his skill and knowledge in respect to a particular channel, harbor, bay, port, etc., to take charge of a vessel entering such waters, and conduct or steer her through. Abbott.

Pimp. A procurer; a mean fellow; a man supported by a prostitute.

Pin-money. An ancient tax in England. Money allowed a wife by a husband for her personal expenses.

Piracy. The crime of robbery, or unlawful violence or depredation on the high seas, when done in an organized manner with the intention of universal hostility. Acts of private hostility at sea, or unauthorized captures by

Digitized by Google

those not properly commissioned to make captures in time of war.

Pirate. One engaged in, or who has committed piracy.

Piscary. The right or privilege of fishing in waters.

Pistol. A fire arm; a small weapon carried in the pocket.

Pit. In old Scotch law, applied to the place where women offenders were drowned instead of being hung as male offenders. Hence "Pit and gallows" meant jurisdiction as to high crimes.

Pix, or pyx. An old term for the standard or test of the coin of the realm of England.

Placard. A written or printed notice or edict.

Place of contract. The lex loci; or place where a contract is made, or is to be performed.

Place of payment. The place where a payment is to be made; the residence of the one who is to pay; the place where commodities are to be delivered.

Placita communia. The Common Pleas. The court of Common Pleas, where civil actions are tried.

Placita coronæ. Pleas of the crown. Trials for crime is a misdemeanor in which the king prosecutes.

Placitum. A plea; a suit or proceeding in court. Placita, pleas or judicial proceedings.

Plaint. The name of the complaint in some inferior English courts. The written statement of one's cause of action.

Plaintiff. He who complains; the complaining party or person bringing an action of law.

Plaintiff in error. The party aggrieved by a judgment, who takes his case to a higher court on a writ of error; the prosecutor in a writ of error.

Plat or plot. A map of a piece of land. To divide land into lots with streets and alleys.

Plea. The term used to signify the various kinds of answers made by a defendant to a bill, complaint, declaration, or prosecution. A suit or action. A special response to a bill in equity.

Plead. To deliver defendant's response in due form of law to the suit of action, or prosecution. To file a plea. To carry on a suit. To advocate a cause.

Plead over. To plead again; also to plead without taking advantage of a defect in his adversary's pleading. To plead after a demurrer or other special plea has been overruled.

Plead to the merits. To answer the plaintiff's cause of action, as opposed to pleas that only tend to delay the action.

Pleaded. That which is alleged or averred in a pleading, or judicial proceeding.

Pleader. One who draws pleadings. Also, the party who pleads, or defends.

Pleading. The formal written allegations drawn up in legal form

Digitized by Google

of the respective claims of the plaintiff and defendant in an action, and submitted to the court as forming the issue or issues to be tried. The process of informing the court of the facts at issue.

Plead issuably. Under common law pleading, this means to interpose such a plea as is calculated to raise a material issue, either of law or of fact.

Pleas of the crown. In English practice, criminal actions which are prosecuted in the name of the sovereign.

Plea side. The plea side of a court is that branch or department of the court which entertains or takes cognizance of civil actions and suits, as distinguished from its criminal or crown department. Thus the court of queen's bench is said to have a plea side and a crown or criminal side; the one branch or department of it being devoted to the cognizance of civil actions, the other to criminal proceedings and matters particularly concerning the crown. Brown.

Plebiscitum. In the Roman law, an enactment by the plebs, or common people, or upon the proposal of a popular magistrate, as a tribune.

Pledge. A kind of bailment in which chattel property is deposited as security for a debt or obligation. The property so deposited.

Pledgee. One to whom a thing is pledged.

Pledgor. The party who makes a pledge.

Plena probatio. In civil law, a term used to signify the production of full proof, in distinction from **semi-plena probatio.**

Plenary. Full; complete. Plenary, or full and formal suits, are those in which the proceedings must be full and formal.

Plene administravit. He has fully administered. Formal words of denial of an administrator to a suit for retaining assets of the estate, or when sued for a debt of the testator.

Plene computavit. He has fully accounted. A plea to an action of account-render.

Plenipotentiary. Possessing full powers. A diplomatic representative with full powers to represent his government.

Plenum Dominium. The unlimited right of ownership.

Plunder. The capture of personal property on land by a public enemy, with a view of making it his own. The property so captured is called plunder.

Plurality. In elections, the candidate who receives more votes than any other one, but not as many as all others, is said to have a plurality of votes, or a plurality vote. The greatest of two or more numbers, though not necessarily a majority.

Pluries. Many times; often. The distinctive word in a writ after a similar writ has been issued

Digitized by Google

and returned unexecuted. The first would be the writ, the second an alias, and the third or subsequent writs would be designated pluries.

Poaching. The unlawful taking or killing of game; trespassing by night on land of another in pursuit of game.

Pocket-defendant. One in collusion with the plaintiff; not a real defendant.

Pocket judgment. A statute-merchant which was enforceable at any time after non-payment on the day assigned, without further proceedings. Wharton.

Point. In practice, a proposition or question arising in a suit.

Point reserved. A point of question of law, which the court, not being fully satisfied how to decide, in the trial of a cause, rules in favor of the plaintiff, but subject to revision on a motion for a new trial. If, after argument, it be found to have been ruled correctly, the verdict is supported; if otherwise, it is set aside. It must be a pure question of law; the facts on which it is based must appear on the record, distinctly stated; and it must be a point which is decisive of the case. Bouv.

Police. Officers who protect the public peace and quiet. Also, the general preservation of domestic order, or the regulations for the control of local matters affecting health and security.

Police judge. A magistrate or judge of a police court, with limited criminal jurisdiction.

Police power, or regulation. A term signifying the exercise of sovereign power in matters affecting the good order, and the health and security of a nation, state, or local territory. Laws which would be objectionable as violating constitutional provisions, are upheld on the theory that they are part of the police power, or sovereign power to protect the life and property of the people.

Policy. In insurance, the contract or instrument which evidences the undertaking of the one to indemnify, and the stipulations on the part of the person injured. More fully, a policy of insurance.

Politic. The body politic; the State; relating to the state.

Political. Pertaining to public affairs, or the administration of the government, whether local or general.

Political rights. Those which pertain to sharing in the formation and administration of the government, as voting, holding office, etc.

Poll. Originally, the head. An individual or person. Also, to enumerate; to record a vote. Also, cut even as opposed to an indented deed, as a deed poll.

Poll tax. A tax on individuals, and not a property tax.

Polls, challenged to the. A challenge or exception to particular jurors as individuals.

Polyandry. The having several husbands; a social order permitting a plurality.

Digitized by Google

Polygamy. A civil condition of having more than one wife; bigamy. The offence committed by a person of marrying again while any previous wife is still living and undivorced. Also used in the sense of having more than two wives or husbands, all being alive at the same time.

Ponderantur testes, non numerantur. Witness are weighed, not counted. A maxim signifying that the weight of testimony is of more importance than the number of the witnesses.

Pone. An original writ, under the English practice; issuing out of chancery, for the removal of a cause from an inferior court to the superior court at Westminster for review. The writ is named from the words it contained in Latin, **Pone per vadium et salvos plegios,** etc., put by gage and safe pledges, etc. It is now supplanted by the writ of **certiorari.**

Ponit se super patriam. Puts himself upon the country. A plea of not guilty.

Pooling contracts. An agreement or contract between corporations engaged in commerce, or as common carriers, by which they are to put all of their earnings above operating expenses into a common fund, and divide the same as profits. In doing so they fix rates or prices for the territory covered by the roads.

Port. A harbor, or place for landing of vessels for the loading and unloading of cargoes.

Port of entry. A port designated by law or custom where vessels may enter and discharge cargoes which are subject to import duties, or where cargoes and passengers coming into a country may be landed.

Portion. A part of anything. Technically, that part of an estate which is given or bequeathed to a child or heir.

Positive. Something certain; absolute. Direct; affirmative.

Positive law. A law or statute enacted by the law making power, as opposed to moral or ethical rules of action which have no definite or specific sanction.

Positive proof. That which is convincing, and leaves no doubt as to the fact to be established.

Posse comitatus. Power of the county. A phrase signifying the rank and file of the citizens of a district or county who may be called to assist a sheriff or other officer in enforcing the laws, or in the execution of process.

Possessed. Having the ownership or control of. It may be independent of the ownership and merely signify the control or possession.

Possessio fratris. The brother's possession. A technical phrase used in the English law of descents, denoting possession by one in such privity with a person as to be considered the person's own possession.

Possession. Control or custody of a thing. The right to detain and

Digitized by Google

enjoy or occupy as one's own to the exclusion of others.

Possession, actual. Real or actual occupation as opposed to mere constructive control.

Possession, adverse. A control, occupancy or possession which is in opposition to some claim asserted by another.

Possession, constructive. That which is implied by law, or imputed to him who holds the legal title to an estate or thing, though he is not in the actual possession thereof.

Possession, naked. Actual occupancy or possession which is not founded on any color of right or title.

Possessory action. At the common law, an action brought for the purpose of regaining the possession of land whereof one had been unjustly disseized. A suit to obtain possession or enjoyment, and not merely to determine title.

Possessor. He who holds, detains, or enjoys a thing, either by himself or his agent, which he claims as his own.

Possibility. An uncertain thing or event; something which may or may not happen. A probability.

Possibility, near. One that is likely to happen, or in which the thing that is to occur and which changes the title is near at hand, as where an estate is limited to a person after the death of another, this is styled a near possibility.

Possibility, remote. One that depends upon a combination of circumstances, and which is not likely to happen.

Post. Afterwards; after. A mode of conveyance. A system of transporting the mails.

Post-date. Dating an instrument after the true time at which it is made. A date later than the true date.

Post-diem. After the day. A plea of payment after the day fixed for payment.

Post litem motam. After suit moved; after the action has begun, or after the controversy arose.

Post mark. A stamp or printed date placed upon mail matter by the authorities at the time and place of sending, and at the time and place of its arriving at its destination.

Post mortem. After death. The official examination of a dead body to determine the cause of death, usually made by the coroner.

Post natus. After born. The second son, as being born after the elder. Those born after some particular event. The correlative of ante-natus.

Post note. A species of bank notes payable at a future time, as distinguished from the ordinary bank note payable on demand. They are issued in times of financial stringency, and scarcity of currency.

Post nuptial. After marriage.

Post obit. After death.

Digitized by Google

Post obit bond. An obligation or bond whereby the recipient of money binds himself to pay a larger amount, and beyond the regular rate of interest, after the decease of some person from whom he expects to inherit money or property.

Postal currency. During the civil war, for a brief period, when specie change was scarce, postage stamps were popularly used as a substitute; and the first issues of paper representatives of parts of a dollar, issued by authority of congress, were called postal currency. This issue was soon merged into others of a more permanent character, for which the later and more appropriate name is "fractional currency."

Postal Union. An agreement between the various civilized nations as to rates of postage and matters pertaining to the carrying of mails between the respective nations to the compact.

Postea. Afterwards. The designation of the record of the things done during the trial which is made up after the trial. Also, the return of the proceedings at nisi prius, and turned to the court as a whole, or **in banc.**

Posterity. Those coming after. Descendants to the remotest generation.

Posthumous child. One born after the death of its father, or one taken from the dead body of the mother by the Cæsarean operation.

Postliminium. A recapture, or reprisal. The doctrine that things recaptured in war return to their original condition and belong to the person from whom they were taken. As to movables the doctrine does not apply except in case of their immediate recapture.

Post-nuptial settlement. A property settlement made between husband and wife, for the benefit of the wife, after marriage.

Postpone. To place after; to delay; to adjourn.

Postremogeniture. The custom by which the youngest son inherits the property of the ancestor. Opposed to primogeniture in which the eldest inherits.

Potior est conditio defendentis. The condition of the party defending is the better.

Pound. In law, an inclosure or place in which stray animals are detained until they are disposed of.

Pound-breach. The offense of breaking into a lawful enclosure for estrays, for the purpose of taking out animals there confined.

Poundage. A sum or commission allowed sheriffs out of the money made on executions. Also money paid to procure the release of animals from a pound.

Poverty affidavit. The affidavit which a poor person has to make in order to bring a suit **in forma pauperis,** that is, without having to pay or secure costs.

Power. An authority vested in one person to dispose of an es-

Digitized by Google

tate, which is vested in another. A right, authority, or ability given to perform an act. The written instrument which conveys the authority is also called the power.

Power, implied. The term, implied power or powers, signifies all those necessary and incidental things which have to be done to carry out a power expressly given.

Power of Attorney. A written instrument by which authority is conferred upon an agent, or other representative where it is important that there should be formal evidence of just what constitutes the power.

Practice. The routine of performing business or exercising functions. The manner or form in which suits at law are carried through the courts, in accordance with the rules and principles established.

Practitioner. One who is engaged in the exercise or employment of any art or profession.

Præcipe, or Precipe. Command. A written order to a clerk of a court to issue summons or a writ in an action. A paper setting forth particulars or instructions as to a writ for the officer who is to serve it. An alternative writ commanding the doing of an act or requiring the party to show cause for not doing it.

Præcipe quod reddat. Command that he render or return. Words of an original writ at common law, directing the defendant to restore land to the possession of the plaintiff.

Prædictus. Aforesaid. Abbreviated, præd., or prædict.

Præmium pudicitiæ. The price of chastity; a fine or compensation paid to a female for her seduction.

Præmunire. To forewarn, or summon. A word in an old English writ beginning a prosecution against the king or government. Later, the name of the offence. Also, a proceeding designed to prevent papal usurpations in England, by making it an offense to give obedience to the Pope in matters of which the King had jurisdiction.

Prænomen. The first of the three names ordinarily given a person in Roman times. Usually only the initial of this name was used.

Præsentia corporis tollit errorem nominis. The presence of the person or subject matter remedies the error in the name. That is, if the real person gets the thing intended it does not matter that he is mentioned by the wrong name.

Præsumption juris et de jure. A presumption of law and right. One that is conclusive, and cannot be overcome by evidence to the contrary.

Prava consuetudo. An illegal custom.

Praxis judicium est interpres legum. The practice of the judges is the interpreter of the laws.

Prayer. A petition; the part of a bill in equity or complaint which

Digitized by Google

requests the court to grant the relief desired.

Prayer for other and further relief. To avoid prejudice from error or deficiency in a prayer for relief, it has been usual for a plaintiff or petitioner, to add to the prayer a clause asking, "or that plaintiff may have such other and further relief as to the court may seem fit," or the like. Under this clause it is considered that the court is not confined, in the decree, to granting precisely the specific relief asked. Abbott.

Preamble. The introductory statement or recital in a contract or instrument, setting forth the facts or reasons which caused it to be made. An introduction to a statute indicating the intention of the legislature, or the evils sought to be remedied by the law.

Prebend. The allowance granted to an ecclesiastic of a certain class connected with a cathedral, as a return for services performed in the church.

Precarious right. An uncertain right as regards time of enjoyment. A right which the owner of a thing transfers to another, to enjoy the same during his pleasure, no time being stated.

Precatory words. Those expressing entreaty, request or recommendation as opposed to positive commands. When used in a will, they allow the executor some discretion, unless by the terms of the will they are construed to be of the force of commands.

Precedence. The right of being first placed in a certain order. The first place being considered the most honorable.

Precedent. An example worthy of being followed. Those legal acts or decisions of a judge or court which are followed and admitted as rules to govern and control future matters of a similar nature. A rule or model for governing subsequent cases.

Precept. A process or warrant directed to the sheriff or some officer asking him to do some act.

Precludi non. A Latin phrase meaning, ought not to be precluded or barred, and were used in a replication to a plea in bar.

Pre-contract. A previously made contract, or engagement, which prevents or avoids a similar subsequent contract. Term is used especially with reference to a contract of marriage.

Precipe. See **Præcipe.**

Pre-emption. The right or privilege of being first in purchasing a thing. The right which a sovereign power asserts to take any article within its border belonging to foreigners for its own use on compensating the owner therefor.

Preference. A prior right of payment.

Preferred creditor. One entitled by law to first payment or security from the assets of an insolvent debtor.

Preferential assignment. The conveyance of property by an insolvent debtor so that one or

Digitized by Google

more creditors are paid in full before others are reached. A transfer of property to prefer certain creditors.

Pregnancy. The condition of being with child.

Prejudice. Prejudging a matter. A leaning towards one side of a controversy for some reason other than its justice.

Preliminary examination. A hearing or examination to determine whether one shall be held to the grand jury for an alleged commission of an offence. Usually held before a magistrate or officer who has no power to try, but simply to commit.

Premeditate. To think in advance; to plan or design. To intend to do an act which is subsequently carried into execution.

Premeditation. A design or intent formed to commit a crime or to do some other thing before it is done. The term is used particularly in reference to crimes of the higher grade, as murder.

Premises. 1. Matters previously stated, or an antecedent part which is referred to. 2. In equity pleading, the narrative or stating part of the bill, containing the facts of the plaintiff's cause. 3. In conveyancing, the term designates both what precedes the habendum clause and the property or thing itself which is being conveyed.

Premium. The price or sum paid. The price or amount paid for a policy of insurance. The sum in advance of the nominal or par value of stock or merchandise.

Premium pudicitiae. The price of chastity. A compensation paid to, or promised to, or for the benefit of, a woman who has been seduced.

Prepense. Aforethought. Design, or premeditation.

Preponderance. As applied to evidence, signifies the weight of the evidence, or that which is the most creditable and convincing.

Prerogative. A term signifying personal privilege, or superior right or power. The special or distinct power claimed by the English crown. A privilege peculiar to a person or office.

Prerogative writ. The common-law writs of mandamus, prohibition, quo warranto, habeas corpus, and certiorari, are so called since they involved originally the exercise of the special prerogative powers of the crown.

Prescription. A method of acquiring title to incorporeal hereditaments by long continued and open enjoyment of the right claimed. Also, the time after which a legal right or claim is lost or barred.

Prescription is a title acquired by use and time, and allowed by law. Jacob.

Prescription, time of. The period of time fixed by custom or law, necessary to establish a right or title by prescription.

Presentment. In criminal practice, a form of indictment, in which the grand jury from their own knowledge or observation make a written charge or accusation against a person. Also, the pre-

Digitized by Google

sentation of a note or bill for acceptance of payment.

Presents. A word used in legal documents as a deed, signifying the deed itself, and is expressed by the phrase "these presents." Burrill explains that it is taken immediately from the Latin **praesentes,** which was used with **literae,** as formal words of description in the old conveyances. **Omnibus ad quos praesentes literae prevenerint, salutem.** to all to whom the present letters shall come, greeting. The word **literae** was sometimes suppressed; thus, **pateat universis per praesentes.** This led to the use of the word **praesentes** as a substantive, and ultimately to the English word presents, its plural form; as, "know all men by these presents." Abbott.

President. The common designation or title of a presiding officer of a meeting or assembly; also the title of an executive officer. The chief executive officer of the United States.

Presiding Judge. A presiding judge; a title used in some states to indicate the law judge as distinguished from the lay judges who sit with him.

Presidential Electors. The persons elected in the various states as prescribed by the Constitution and whose duty it is to select the President and Vice-President of the U. S. It is for these electors that the direct vote is cast, but they always vote for the party candidate by whom they are nominated. Their number in each state corresponds to the number of representatives and senators to which the state is entitled in Congress.

Presidential Succession Act. The Act of Congress of Jan. 19, 1886, is so called, and provides that in case of the death or disability of the President and Vice-President, the heads of the executive departments shall become the chief magistrate in the following order: Secretary of State, Secretary of the Treasury, Secretary of War, Attorney General, Postmaster General, Secretary of the Navy, Secretary of the Interior.

Presumption. An inference or belief as to the truth or falsity of a matter in the absence of any direct evidence to the contrary, and which is based on probabilities or reasoning from experience, or from proof of circumstances.

Presumption, conclusive. Inferences given peremptory effect by law, and which cannot be contradicted by evidence.

Presumption, disputable. Such inferences as may be shown to be incorrect by evidence to the contrary.

Presumption of fact. An inference as to the existence of a matter of fact because of the existence of some other fact or facts. An inference from the surrounding circumstances.

Presumption of law. An inference or construction put upon facts or circumstances as a matter of law, and which either forbid or dispense with any ulterior inquiry. Such are presumptions of inno-

Digitized by Google

cence, of incompetency by reason of infancy, and the like.

Presumptive evidence. That which induces or inclines but does not control belief. That which is probable but not conclusive.

Pretenses. Allegations made in a bill in chancery for the purpose of negativing an anticipated defense.

Pretium. Price. In the civil law this was money.

Pretium affectionis. The price of affection. That imaginary value put upon an article because of the affection or regard of the owner for it, or for its association or history.

Prevent. To deter; to preclude; to make impossible the doing of an act or the happening of an event.

Preventative justice. A term designating that part of the law which has to do with the prevention of offenses. It generally consists in compelling persons suspected of misbehavior, to give the necessary obligations or bonds to the public to refrain from the doing of the contemplated mischief. 4 Bl. Com. 251.

Previous question. In parliamentary law, a motion designed to shut off further debate upon an issue by putting to immediate vote the main question. Also used to suppress the main question.

Price. Value. The consideration in money agreed upon or given for the purchase of an article.

Prima facie. At first view. On the first appearance.

Primae impressionis. Of the first impression. Signifies a new or undecided question of law.

Primary. First; principal; leading. The best of its kind.

Primary evidence. The first quality or clearest and most satisfactory evidence which the nature of the case permits to establish a disputed fact.

Primogeniture. The first-born; seniority. The right or custom of the eldest to inherit to the exclusion of the younger sons and daughters. It prevailed in England under the common law, but was never recognized to any extent in the United States.

Principal. 1. The employer of an agent or attorney. 2. The person primarily liable in the contract of guaranty or suretyship, and for whom the guarantor or surety has become obligated. 3. The person who has actually committed a crime, as opposed to those who assisted either before or after the act, and who are called accessories. 4. The capital or sum of money loaned to another or invested, as distinguished from the interest or profits thereon.

Principal-Vice. In the law of torts, or master and servant, the doctrine, that one given power to supervise and control the business of the principal, employ and discharge servants, and do the acts which the employer usually does, becomes so far the master or employer as to render his principal liable for acts of negligence. The person given such

Digitized by Google

general powers is called a vice-principal.

Prior tempore potior jure. The earlier in time is preferred in law, or right. Priority in time gives precedence in law.

Priority. Superiority. A previous or superior right. Preference.

Prison. The place or institution where persons convicted or accused of crime are incarcerated.

Prison breach. The offence of breaking out of prison, or escaping therefrom when lawfully in custody. Also, perhaps, the breaking into a prison for the purpose of rescuing a prisoner.

Prisoner. One lawfully confined in a public prison or place of detention. A person deprived of his liberty, or held in confinement against his will.

Prisoner at the bar. An accused person while on trial is so called.

Prisoner of war. A term signifying that one has been captured while regularly enrolled in the army or navy, as opposed to those whose acts of hostility would not be recognized by the rules of international law as warfare.

Privacy. The right of privacy has been defined as the right of an individual to withhold himself and his property from public scrutiny, if he so chooses. The doctrine is of recent growth, and is as yet insufficiently defined. It is said to be incapable of exact definition, and to exist only so far as its assertion is consistent with law or public policy, and in a proper case equity will interfere if there is no remedy at law, to prevent an injury threatened by the invasion of, or infringement upon, this right from motives of curiosity, gain or malice. Such remedy has been invoked to prevent the publication of oral lectures delivered by a professor; 12 App. Cas. 326; 3 L. J. Ch. 209; or copies of private drawings and etchings; 1 McN. & G. 25; or a letter in the possession of a person by whom it was received, without the writer's consent, where the publication is not necessary for the vindication of the receiver or the public interest; 2 Ves. & B. 19; a telegram of a private nature; 50 How. Pr. 194; or a photograph by the photographer; 40 Ch. Div. 345; 64 Fed. Rep. 280. But such publication of a photograph or portrait will not be prevented where the person is a "public character," such as a foremost inventor of world-wide reputation; 64 Fed. Rep. 280, reversing 57 id. 434, on this point. Bouvier.

Private. That which affects or belongs to individuals, and does not concern the general public. Also, a private person, or private capacity, signifying a person without official position.

Private corporation. One composed of a certain number of individuals who own the capital stock and manage it for purposes of profit or gain to themselves, as opposed to those having governmental functions, as towns and cities, and termed public.

Private International law. A term sometimes used by writers to sig-

Digitized by Google

nify that branch of law which concerns the laws and statutes of the various nations as affecting individuals and property rights, and now usually designated as "conflict of laws."

Private law, or bill. A statute or measure which is for the benefit of private individuals or an individual and not the general public. Also, private law signifies principals of law regulating the rights of individuals as such, as opposed to the general or public law.

Private nuisance. Anything done to the hurt and annoyance of the lands, tenements or hereditaments of another. 3 Bl. Com. 215.

Private property. This term as used in the constitution signifies such property as belongs absolutely to an individual, and of which he has the exclusive rights of disposition; property of a specific, fixed and tangible nature, capable of being had in possession and transmitted to another, as houses, lands and chattels; 29 Miss. 32.

Privateer. A vessel owned and equipped by individuals, and not by the government, fitted out for the purpose of warfare at sea, and commissioned by the government to act against the enemy.

Privies. Persons mutually interested in a matter, or having some relation to the thing or to each other.

Privies in blood. Those related by blood, as heir and ancestor.

Privies in estate. Persons mutually interested, or bearing relation to each other in reference to an estate, as lessor and lessee.

Privies in law. Those whose relation or mutual interests arises by operation of rules of law.

Privies in representation. Those whose relation or connection results from the fact that the one represents the other as his executor or representative.

Privilege. An exemption or release from burdens to which others are subject; superior right or favor allowed an individual different from the common rule.

Privilege from arrest. An exemption which the law accords to some persons from liability to be arrested. It is a permanent right of ambassadors and public ministers and their families and servants, and in England of the royal family and servants, and of peers and peeresses. It is accorded, temporarily, to members of congress, of state legislatures, and of the house of commons—that is, during the sessions of their houses, and while going and returning—and to some other classes varying in different jurisdictions; but attorneys, solicitors, counsellors, parties, and witnesses in attendance on the courts, generally enjoy it. The privilege is not absolute, as respects all causes of arrest; but many of the classes of persons named may be arrested for some of the higher crimes, or to require surety of the peace. Abbott.

Privileged communication. (1) In the law of libel and slander,

Digitized by Google

means that the matter communicated, although aspersive and false, is not actionable, for the reason that the circumstances under which it was published or uttered gave the defendant a right to make it known. The chief grounds of such privilege are: That the defendant was the master of the plaintiff and spoke the words to him while the relation was continuing. That the defendant spoke or wrote the words as part of a character, which he was requested to give the plaintiff. That the words were a fair comment upon an author or speaker. That the defendant had a pecuniary interest, direct or indirect, in the business, with reference to which the words were spoken.

(2) In the law of evidence, a communication is often called privileged, with the meaning that the person to whom it was made cannot be compelled to disclose it, on examination as a witness in a court of justice. Abbott.

Privilegium est beneficium personale, et extinguitur cum persona. A privilege is a personal benefit and dies with the person.

Privilegium est quasi privata lex. Privilege is a sort of private law.

Privilegium non valet contra rempublicam. A privilege is of no validity against the commonwealth.

Privity. The mutual or successive relationship to the same rights of property. Bouv.

Privity of contract. The relation existing between parties to a contract.

Privity of estate. Identity of title to an estate. The relation which subsists between a landlord and his tenant.

Privy. One connected with another so as to be affected in the same manner in regard to an estate, right, or liability.

Privy verdict. Where the judge has left or adjourned court, and the jury being agreed, in order to be freed from their confinement, obtain leave to give their verdict privately to the judge out of court, this is called a privy verdict, but this practice has long been discontinued. A somewhat similar practice now obtains, known as a sealed verdict, by which the jury having agreed upon their verdict, write it down and seal it, and then deliver it to the clerk of the court. They may then go home, but must return at the opening of court when the verdict is opened and read in their presence. Abbott.

Prize. In admiralty law, a vessel or other property captured from a belligerent at sea in accordance with the rules of war.

Pro confesso. As, or for confessed. A decree taken in equity by default, or where no answer has been put in.

Pro hac vice. For the occasion; for this turn.

Pro indiviso. An undivided part.

Pro interesse suo. According to his interest. On behalf of his interest.

Pro rata. In proportion, or proportionately.

Digitized by Google

Pro re nata. For the occasion which has arisen.

Pro tanto. For so much. For as much as possible.

Probability. In accordance with reason; likelihood.

Probable. Something reasonable, or likely to have happened.

Probable cause. The existence of such facts and circumstances as reasonably raise a belief in the existence of a fact or facts. It means such a state of facts and circumstances as would induce men of ordinary prudence and conscience to believe the charge to be true. 44 Vt. 124.

Probate. Legal proof. As applied to wills, signifies their approval by the proper tribunal as to their existence and sufficiency.

Probate court. A title of a court in many states with jurisdiction to take proof of wills, issue letters testamentary and the like, and have general supervision of the administration of estates of decedents.

Probus et legalis homo. A good and lawful man. One fitted to serve as a juror or witness.

Procedendo. For proceeding. A writ, for returning for further procedure in the lower court, a matter which has been taken to a superior court and has been found not entitled to consideration on the grounds alleged for its removal. In English practice, the writ was issued to a court from the chancery to compel an inferior court to proceed and render judgment in an action.

Procedure. The method of carrying on legal proceedings. The rules, of evidence, practice, etc., by which remedies are made effective in courts of law or equity.

This word is commonly opposed to the sum of legal principles constituting the substance of the law, and denotes the body of rules, whether of practice or pleading, whereby rights are effectuated through the successful application of the proper remedies. It generally comprehends practice and pleading, but excludes evidence, and the law of substantive rights and wrongs, or the rules upon which the claims of parties are ultimately decided. Abbott.

Process. In practice, the means of compelling the defendant to appear in court, after suing out the original writ, in civil, and after indictment, in criminal, cases. Bouv. Strictly, the mandate of the court to the officer, commanding him to do certain things or perform certain services within his official cognizance. Abbott.

Prochein ami. Next friend. The individual by whom a person under disability, as an infant, prosecutes an action.

Prochronism. The giving a date to an act or event prior to its real happening.

Proclamation. A public announcement or notification. It may consist of a written or printed, or oral announcement, of some matter or proceeding, or public act about to be taken.

Digitized by Google

Procuration. Agency; the acting of one person for another, by the latter's authority or request. The right or power to act for another as an agent or attorney.

Procurator in rem suam. Proctor to his own affairs. One acting in reference to property to which he has the legal title.

Procurator litis. The prosecutor or manager of one's cause; a title of an officer or agent in the Roman civil law similar to our attorney-at-law.

Procurator negotiorum. A civil law term, indicating that one had the authority to act for another as an attorney in fact; a manager or business agent for another.

Procurer. A term applied to one who secures a female for another for improper purposes.

Profanity. The use of oaths, or profane language.

Profert. To produce or offer. To produce a deed or instrument in writing in open court for inspection.

Profert in curia. He produces in court. A declaration that one produces or offers for inspection the deed under which he claims title.

Profit. The surplus or advance in price of a thing over the cost.

Profit a prendre. A term signifying the right to take soil, gravel or other commodity from the land of another. An interest in the soil or estate of another.

Prohibition. A writ, from a superior court, forbidding a court or person to do a contemplated act. A remedy against the encroachment of jurisdiction, which developed at the common law, whereby a superior court could stop the action of an inferior court which assumed to act without jurisdiction or in a manner not justified by rules of law.

Proles. Offspring; issue; children of a lawful marriage.

Prolixity. Lengthy and superfluous statements of facts in a pleading.

Promise. An undertaking to do something which may be of advantage to another. An assurance from one person to another that a certain act or event of which he has control shall be as described.

Promise, express. One made in specific or definite terms.

Promise, implied. One that is inferred or arises from the facts or circumstances of the parties.

Promise, mutual. A promise given where the consideration is a like promise on the part of the other party.

Promise, parol. One in writing but not under seal; one given orally.

Promissory note. A commercial paper or written instrument for the payment of a specific sum of money at a time stated.

Promoters. (1) In English practice, those persons who, in popular and penal actions, prosecute offenders in their names and the crown's, and are entitled to part of the fines and penalties for their pains.

(2) Its more general use in

Digitized by Google

this country is in reference to the organization of corporations, and signifies the persons who first undertake or "promote" the corporation or joint stock company, by securing the necessary preliminary subscriptions, securing a charter, and the like. See Bouvier.

Promulgate. To make known; to announce officially.

Proof. That which convinces the mind of the existence of a fact. The effect of evidence; evidence which convinces.

Proof, burden of. The obligation to substantiate alleged facts.

Proof of debt. The formal establishment by a creditor of his claim against an insolvent estate, or a deceased person, or a partnership, or the like.

Proof of loss. A statement of the items of personal property, or realty, with the value thereof, furnished on oath, to an insurance company by the insured.

Proofs. The aggregate evidence given in a trial.

Proper. Fit; suitable; conforming to the standards by which the particular thing should be judged.

Property. The right and ownership which a man has in real or personal property to the exclusion of all others. Exclusive legal right to control or enjoy a thing. The thing owned, or enjoyed.

Property, private. That which belongs to individuals.

Property, public. That owned or controlled by the state or a political division thereof.

Proponent. In ecclesiastical or probate law, he who proposes or propounds; to exhibit or bring forth a claim for judicial action.

Propria manu. With his own hand.

Propria persona. In his own person. A term used to signify that one appears in a suit in his own behalf, or personally.

Propria vigore. By its own force or virtue. Intrinsic force or ability.

Proprietor. The owner. The one having exclusive right or title to property.

Propter. On account of.

Propter affectum. On account of affection; for bias.

Propter defectum. On account of defect; for incompetency.

Propter delictum. On account of crime or wrongdoing. A challenge of a juror propter delictum, or on account of conviction of crime.

Prorogue. To dissolve or suspend by sovereign authority the meetings of parliament or a legislative assembly.

Prosecution. The steps taken in litigation. The means by which an offender is brought to trial and conviction. Also, the party conducting or enforcing the suit.

Prosecution, malicious. One that is corrupt or wilful and not based upon probable cause.

Digitized by Google

Prosecutor. The officer or party who brings the proceeding or prosecutes an offender against the laws.

Prosecutrix. A female prosecutor.

Prostitute. A woman who offers herself for common and indiscriminate sexual intercourse for gain.

Prostitution. The act of a common or lewd woman in offering her person for sexual intercourse.

Protectio trahit subjectionem, et subjectio protectionem. Protection implies subjection, and subjection protection.

Protection. Besides its vernacular meaning of shelter from injury, a protection is used in law in the special sense of a certificate or writing showing a personal immunity.

Protest. In contracts, the notarial act, formally and officially made, by which the dishonor for non-payment or non-acceptance of a bill or note is evidenced, and which is necessary in order to hold the parties to the instrument for the payment thereof.

Protest, payment under. The payment of money or delivery of property to avoid damage or loss, but with a reservation of rights by reason of making a formal objection or protest to the justice of the party to receive it.

Prothonotary. A chief clerk in a court. A clerk of the court in some jurisdictions.

Protocol. A draft or outline of a treaty or other official document. An original or first copy of a writing.

Provable. Capable of proof.

Prove. To establish by competent evidence. To show to be true or genuine.

Provided. A word used to express a limitation or condition, or introduce a qualifying clause or exception.

Provisional. Temporary; not permanent.

Proviso. A conditional clause inserted in a written instrument, usually beginning with the word "provided."

Proximate. Immediate or nearest. In close relation. Next in order.

Proxy. One who is appointed or delegated to act instead of another, to represent him. Also, the power or right to act as such representative. Commonly used in connection with the giving of authority to vote for another.

Puberty. The age of maturity, when males and females are presumed capable of generation. At common law it was fourteen in males and twelve in females.

Public. The whole body of the people in a community or state. That which belongs to the community, as opposed to private things. Also, what is open or unconcealed; generally or commonly known.

Public corporation. One that exercises some of the powers or functions of government, and in which the interest and control belongs to the public, as opposed to those controlled by individuals.

Digitized by Google

Public nuisance. A nuisance which affects the people of the locality generally, as distinguished from one which injures only an individual resident, with perhaps his family and servants. "Public" here does not in any way involve the government, or the whole community of the state or municipality, only the people of some local neighborhood. Abbott.

Public officer. One holding a position or office in the public service, in which he has the right to the same for a definite time with a right to compensation. An office held under the government, and in which the incumbent has to do with public functions, or the control of public property.

Public peace. The general peace of the inhabitants of a town or community.

Public place. A place where the public resort habitually, or where all are invited to go equally. Any place designated by law or custom for the free and common use of all persons, as streets, roads, alleys, etc., dedicated to the use of the public.

Public policy. That principle of the law which holds that no subject can lawfully do that which has a tendency to be injurious to or against the public good. Bouv.

Public property. In a proper and useful sense, means matters and things which belong to government, either of the state or nation, or of a municipality. It is, however, often used in a vague way of that which is not property at all, which any one may take into possession and enjoy at will.

Public record. Any record kept by a public officer as a part of his official duty, and for the use or convenience of the public.

Public school. A place for the education of the young, established by law, and conducted at the public expense and under the supervision of the general or local government.

Public welfare. All things which pertain to the health and benefit of the public. The term is as broad or narrow as the law making power sea fit to make it.

Public works. Constructions, erections and structures, such as aqueducts, dock-yards, extensive and important buildings, parks, and the like, undertaken by the government of the country, or of a municipality.

Publication. Making known to the community or general public, whether by speaking or writing. Also, a printed volume or work.

Pudicity. Chastity.

Puis darrein continuance. Since the last continuance. A phrase in common law pleading, designating a plea which the defendant was allowed to put in after issue joined, for the purpose of setting up some new matter of defense which had arisen, or some matter which had first

Digitized by Google

come to his knowledge after joinder of issue.

Punitive. Relating to punishment or penalty; vindicatory. Something done in the way of punishment.

Purchase. All modes of acquiring property, except by descent.

Purchaser in good faith. Whether one buys in good faith depends not on his having notice of liens, but on the motive or purpose with which he buys. 46 Ala. 73. A bona fide purchaser is one who, neither committing nor participating in a fraud, pays a full price for property which he continuously and openly holds in possession. 42 Ga. 250.

Purchase-money. The money agreed to be paid by a purchaser for property.

Purparty. A share; a part in a division.

Purport. The substance or general import of a writing.

Purpresture. A taking wholly away. The act of a private individual in enclosing a building upon part of a common or public domain, and thus taking it away from the public. Abbott.

Purview. The enacting clause of a statute, beginning "be it enacted."

Putative. Reputed; supposed or believed.

Putting in fear. Technical words in the offense of robbery, signifying that violence actual or constructive was used by which the offense was committed against the will of the owner of the property taken.

Pyromania. The irresistible propensity to burn property.

Q

Quack. An unlearned person, who yet undertakes the practice of medicine or surgery.

Quadriennium utile. The useful four years. Under Scotch law the four years following the minority of a minor in which he could avoid contracts or deeds made to his prejudice during his minority.

Quadripartite. Consisting of four parts; an instrument executed in four counterparts or copies.

Quadroon. A person of one-fourth African or negro blood; the offspring of a white person and a mulatto.

Quæ non fieri debent, facta valent. Things which ought not to be done, being done, may be valid.

Quæ non valeant singula, juncta juvant. Things which have no force singly, may have effect when united.

Quære. A question, or inquiry. Is used by law writers and reporters after a proposition given in a case which is not decided or which is left in doubt.

Quærens. The plaintiff, or complainant.

Quærens non invenit plegium. The plaintiff did not find or produce

Digitized by Google

security. A phrase in the return of a sheriff at common law to an order to get security of a plaintiff and the security was not given.

Qualified. Prepared, fitted or adapted.

Qualify. To make fit; to show that one is competent. Also, to take the oath and give the undertaking required of an administrator or public officer in order to be inducted into the trust or office. Also, to limit, modify or restrict.

Qualified indorsement. A restricted or limited indorsement; one that limits the liability of the person making it.

Quamdiu se bene gesserit. As long as he shall conduct himself well. A clause signifying that a person inducted into an office shall hold during good behavior.

Quando acciderint. When they shall come in or be collected. A form of judgment against an executor or administrator directing the amount to be paid as soon as assets come to hand.

Quando aliquid conceditur, conceditur id sine quo illud fieri non possit. When anything is granted, that also is granted without which it cannot be carried into effect. Another form of a maxim of construction.

Quando aliquid prohibetur fieri ex directo prohibetur et per obliquum. When a thing is prohibited from being done directly it is also prohibited from being done indirectly.

Quando jus domini regis et subditi concurrent jus regis præferri debet. When the right of the sovereign and of the subject conflict, the right of the sovereign ought to be preferred.

Quando plus fit quam fieri debet, videtur etiam illud fieri quod faciendum est. When more is done than ought to be done, the things which were properly done are deemed as done. That is, if more is done under a grant of authority than is warranted, the excess only is void.

Quantum damnificatus. How much is he injured? The name of an issue directed by the court to determine the amount of damage by the verdict of a jury.

Quantum meruit. As much as he has deserved. Words in a form of action at common law to recover for work or service upon an implied contract for the reasonable value or worth of the same, there having been no express contract as to the amount to be paid.

Quantum valebat. As much as it was worth. A phrase in the common counts for the value of goods sold upon an implied contract of purchase, seeking to recover the reasonable worth of the articles.

Quarantine. Originally, a period of forty days. The time allowed a widow in which she may remain in her deceased husband's mansion house until dower was assigned her. Also, the period during which persons are detained under the maritime regulations when they arrive from an infected

Digitized by Google

port or place where contagious diseases are rampant, until the danger of their being infected has been removed.

Quare clausum fregit. Why he broke the close. Chief words in a common law writ for an action of trespass for unlawful entry upon the land of another. Abbreviated, qu. cl. fr.

Quare impedit. Wherefore he hinders. Chief words in a common law writ, to prevent or stop another from depriving one of his rights of presentation to a benefice or advowson.

Quarter section. One-fourth of a section of land, or 160 acres.

Quarto die post. On the fourth day after. Appearance day, in former English practice.

Quatuor pedibus currit. It runs upon four feet. Same as "upon all fours," a phrase used to indicate the similarity or resemblance of cases or examples that are cited.

Quash. To annul, or overthrow. To abate or put an end to an action.

Quasi. As if; as if it were. Something similar to another person or thing.

Quasi contract. An obligation similar to a contract, but which has not arisen in the regular contractual manner. It is said to be an obligation springing from voluntary and lawful acts of parties in the absence of any agreement.

Quasi-corporation. A name given to a number of companies or societies which though resembling a corporation in some of their powers and functions, yet are not regular corporations and do not have all the powers vested by law in duly incorporated companies. Examples are, the inhabitants of a school district, commissioners of counties, or of roads, and the like.

Quasi-tort. Resembling a tort; one for which a person may be liable though done by his servant.

Que estate. Which estate. The estate of whom. An expression formerly used to indicate the estate or title in an easement or prescriptive right enjoyed by former owners of an estate.

Querela. A quarrel, or lawsuit. A legal controversy, or complaint.

Question. In evidence, the interrogation put to a witness, for the purpose of ascertaining his knowledge in regard to facts in issue in the action at bar.

According to Bouvier, questions are either general or leading. By a general question is meant such a one as requires the witness to state all he knows, without any suggestion being made to him; as, Who gave the blow? A leading question is one which leads the mind of the witness to the answer, or suggests it to him; as, Did A B give the blow?

Qui approbat non reprobat. He who approves does not disapprove. That is, one who accepts cannot also reject the same thing.

Digitized by Google

Qui facit per alium, facit per se. He who acts through another, acts himself. An act by an agent is the same as though done by the principal.

Qui hæret in litera, hæret in cortice. He who stops in the letter, stops in the bark.

Qui jure suo utitur, nemine facit injuriam. He who uses his own right does injury to no one.

Qui no habet, ille non dat. He who does not have or own cannot grant.

Qui non negat fatetur. He who does not deny, admits.

Qui non obstat quod obstare potest facere videtur. He who does not hinder what he may hinder, is regarded as doing it.

Qui prior est tempore, potior est jure. He who is earlier in time, is stronger in right. A maxim in regard to priority giving preference in law.

Qui semel est malus, semper præsumitur esse malus in eodem genere. Proving one to have been evil on one occasion presumes him to be evilly disposed in that respect.

Qui sentit commodum, sentire debet et onus. He who has the benefit should also bear the burden.

Qui tacet, censentire videtur. He who is silent is deemed to consent. Silence gives consent.

Qui tam. Who as well. An action brought by an informer, who as well as the king or state receives a portion of the penalty obtained from the defendant.

Qui tardius solvit, minus solvit. He who pays too slowly pays too little.

Quia. Because.

Quia emptores. Because purchasers. The initial words of the statute of Westminster 3, regulating the sale of lands in England. It provided that the owners of freehold lands might sell them, but the grantee should hold the land of the lord paramount the same as the grantor, and by the same service or rent.

Quia timet. Because he fears. The name of a bill in equity to secure a preventive or anticipatory remedy, because it is feared that some time the injury will happen.

Quicquid solvitur, solvitur secundum modum solventis; quicquid recepitur, recipitur secundum modum recipientis. Whatever is paid, is paid according to the intention of the payer; whatever is received, is received according to the intention of the receiver. That is, one paying may stipulate to what it shall be applied, if he does not the recipient may apply it as he sees fit. This is the settled rule.

Quicquid plantatur solo, solo cedit. Whatever is planted in the soil belongs to the soil.

Quid pro quo. What for what; or this for that. An expression signifying the thing given in exchange for another thing, or the consideration for a contract or agreement.

Digitized by Google

Quidam. Somebody; someone. A term signifying an unknown person or one that cannot be named.

Quiet enjoyment. The name of one of the covenants in conveyances and leases of lands, engaging that the grantee shall be permitted to occupy and use the lands without let or hindrance, and peaceably enjoy the same. This covenant goes to the possession merely, and not to the title. So that the covenant of quiet enjoyment is broken only by an entry, or lawful expulsion from, or some actual disturbance in, the possession. 3 Johns. 471.

Quietus. A discharge; final ending of a thing.

Quilibet. Any one who will; any person without distinction; whoever will.

Quilibet potest renunciare juri pro se introducto. One may renounce a right established for his own benefit.

Quinto exactus. Called the fifth time. The form and name of a return by the sheriff at common law, importing in proceedings for outlawry, that a defendant has been proclaimed and called in five county courts successively, and failed to appear; upon which he was outlawed. Abbott.

Quisque. Every; every one.

Quisque utitur jure auctoris. Every one exercises the right of him from whom the right is derived.

Quitclaim. A release or acquittance; a surrender of title or claim.

Quit-rent. A rent of land, so called anciently because the tenant thereby went free and quit of other services to the lord.

Quittance. A release or discharge.

Quivis. Any; any one; every one.

Quivis praesumitur bonus donec probetur contrarium. Every one is presumed innocent until the contrary is proved. This principle or maxim, is styled "the golden rule of lawyers."

Quo animo. With what intention.

Quo jure. By what right.

Quo minus. By which less.

Quo warranto. A prerogative writ by which the question, by what authority a person claiming or usurping an office, franchise or privilege, is litigated. It compels the party in the office or claiming it to show what right he has to exercise the same, and instals the person entitled in the office.

Quoad. Concerning; in respect of; as to.

Quoad hoc. As to this; as regards the matter in question. Signifies in legal reports, that the law is as stated.

Quod. For that; for the reason that; because.

Quod ab initio non valet, tractu temporis non convalescet. What from the beginning is invalid does not gain validity by lapse of time.

Digitized by Google

Quod computet. That he account.

Quod cum. That whereas for that whereas. Technical words used in common law pleading introducing matters of inducement.

Quod fieri debet, facile præsumitur. What ought to be done is easily presumed.

Quod non apparet, non est. What does not appear, is not.

Quod nullius est fit domini regis. What is the property of no one becomes the property of the sovereign.

Quod nullius est, id ratione naturali occupanti conceditur. What is the property of no one is, by natural reason, given to the occupant. A maxim of the civil law, also adapted into the common law.

Quod sub certa forma concessum vel reservatum est, non trahitur ad valorem vel compensationem. What is granted or reserved under a certain form is not to be made the subject of valuation or compensation. One of Lord Bacon's maxims, which he explains as follows: "The law permitteth every man to part with his own interest and to qualify his own grant as it pleaseth himself, and therefore doth not admit any allowance or recompense, if the thing be not taken as granted."

Quorum. Of whom. As a substantive it signifies the number of persons belonging to a legislative, corporate, or other body, whose presence is necessary to the proper transaction of business by that body. The number is determined by some constitution, statute or rule which governs.

Quota. The proportion of a total amount which is to be borne by the individual.

Quoties in verbis nulla est ambiguitas, ibi nulla expositio contra verba fienda est. So long as there is no ambiguity in the language of an instrument, no interpretation contrary to the language is allowed.

Quum duo inter se pugnantia reperiuntur in testamento, ultimum ratum est. When repugnant things are found in a will the last of the two shall stand.

Quum principalis causa non consistit, ne ea quidem quae sequuntur locum habent. When the principal subject-matter ceases to exist, those things which follow it have no longer any place.

R

Racing. The offering of prizes or purses of a definite sum by a racing association to be awarded to the successful horses in a race, and to be paid out of the general funds of the association, made up in part of entrance fees paid by the owners of the competing horses, is not a violation of the constitutional provision against gambling. 6 Park Cr. Rep. 256.

Digitized by Google

Rack-rent. An exorbitant rent; one that nearly equals the profits of the property rented.

Radius. The distance from the center of a circle to the circumference; also a straight line drawn from the center to any point in the circumference of a circle.

Raffle. A kind of lottery.

Railroad. A graded road, fitted with ties and iron rails for the wheels of the locomotive and cars to run upon. They are not public highways, but the public or state has such an interest in their control and regulation as to be able to fix maximum rates to be charged and make other regulations in regard to their operation and charges.

A road graded and having rails of iron or other material for the wheels of railroad cars to run upon. Bouvier. The question has been mooted whether the general term railroad includes horse or street railroads, or is confined to those run by steam. The decisions differ; and the rule seems to be that, in this respect, the meaning depends on the context and general intent.

Railroad property. The property which is essential to a railroad company to enable it to discharge its functions and duties as a common carrier by rail. It includes the road bed, right of way, tracks, bridges, stations, rolling stock, and such like property. Lands owned and held for sale, or other disposition for profit, and in no way connected with the use or operation of the railroad, are not railroad property in the sense mentioned, but are property of the company independently of its functions and duties as a common carrier. 47 Fed. Rep. 681.

Raise. To bring into existence; to create or establish.

Raising a promise. When it is said that the law "raises a promise," or "raises an assumpsit," upon any given transaction, it is meant that a promise, for breach of which an action may be brought, is legally involved in, or to be inferred from, the transaction in question.

Raising a use. Creating, establishing or bringing a use or trust into existence.

Range. In public land laws and surveys, range indicates a row of townships between meridian lines. A base line and a meridian line are drawn through each other at right angles, the first line running east and west, and the second north and south. Townships are numbered north and south of the base line and east and west of the principal meridian. The range is east or west of the meridian, and the number of the range gives the location of the township as regards this meridian line. In describing the land in the U. S. system of public land surveys, the section number is given, there being 36 of these sections in each township, the number of the township

Digitized by Google

north or south of the base line, and the number of the range east or west of the principal meridian.

Ranger. An old English officer of the forest.

Ransom. A sum of money paid for a pardon, or release from imprisonment or punishment. In international law, the sum paid for the release of prisoners captured or property taken during hostilities.

Rape. The offence committed by a man in having carnal knowledge of a woman forcibly and unlawfully against her will. Actual violence is not necessary to constitute the crime under modern statutes, so that the commission of the offence by the use of drugs to overcome the victim, or under duress, of threats of bodily harm, constitutes rape.

Rape, statutory. A statutory offence consisting of having carnal knowledge of a female under the age of consent, with or without her consent.

Rasure. Removing letters or words from an instrument by scraping off the ink. A species of erasure, or alteration of a written instrument.

Rate. A valuation or assessment put upon property or articles to determine how much of a common or public burden each shall pay. A per cent or proportion of a thing as a tax rate, poor rate, etc.

Rate of exchange. The rate or amount paid to procure the cash for an order or bill drawn upon another place or country.

Ratification. A confirmation or acceptance of a previous act. The sanction and adoption of what has been done without previous authority.

Ratio. A reason or cause; also, an account. Relative amount.

Ratio legis est anima legis. The reason of the law is the soul of the law.

Rattening. The offense of trying to coerce a workman to join a labor union or trades union by taking away his tools, and the like.

Ravish. To rape.

Re, or in re. In the matter of; in the case of.

Real. In common-law jurisprudence this word generally signifies landed property; having the attributes of permanency and immobility which distinguishes the soil; connected with or relating to land, or estate in land. In the civil law the meaning is more comprehensive, corresponding with the derivation from **res.** It distinguishes things, movable or immovable, from persons, and means connected with or relating to things. Thus a real injury is any tort to lands or chattels, not to the person; a real statute is one which relates to things, not to persons.

Real contract. A contract relating to or arising out of matters connected with realty.

Digitized by Google

Real property. Land, and immovable things akin to land.

Realty. A term sometimes used as a collective noun for real property or estate—more generally to imply that that of which it is spoken is of the nature or character of real property or estate. Bouv.

Re-argument. A second argument or hearing granted to the same points at issue.

Reasonable. Agreeing with reason; just and proper under the circumstances. Sufficient or proper.

Reasonable care, or diligence. Such attention or pains as is fit and proper under the circumstances, having regard to the nature of the act or duty involved.

Reasonable doubt. An expression referring to the state of mind which precludes the court or jury from finding an accused person guilty. It is hard to define, and is stated to be best understood without definition. It does not mean a mere possible doubt, and is said to be that state of the case which, after the entire comparison and consideration of all the evidence, leaves the minds of the jurors in that condition that they cannot say they feel an abiding conviction to a moral certainty of the truth of the charge.

Reasonable skill. Such ability as is customary or usual among those who are authorized to act in a similar capacity or calling.

Reasonable time. A phrase indicating that a thing is to be done within a time which by the circumstances and usages of the business will be considered right and proper.

Rebate. An allowance in the way of discount or drawback of money that has been paid. The reduction of an amount due.

Rebel. A citizen or subject who unjustly and unlawfully takes up arms against the constituted authorities of the nation, to deprive them of the supreme power, either by resisting their lawful and constitutional orders in some particular matter or to impose on them conditions. Vattel.

Rebut. To contradict; to oppose by evidence or allegations.

Rebuttal. Refutation. The evidence introduced by the plaintiff to refute testimony of the defendant.

Rebutter. The answer of a defendant to the surrejoinder of the plaintiff, in common law pleading.

Recall. To revoke or countermand. The depriving a diplomat or representative of his official functions. To replace him by another representative. Also, one of the features of direct legislation, which is made up of the initiative, or the right of the general public to begin laws by petition, the referendum, which is the right to have all laws, or certain of them submitted to the people before they shall become operative, and the recall which is the right of the people to with-

Digitized by Google

draw their authority from their officers or delegates at any time that his action shall not meet with their approval, instead of allowing him to hold for a definite time.

Recaption. 1. The taking of a person who has escaped from former arrest. 2. A remedy by the act of the party injured, by recovering with his own hand property wrongfully detained or taken, or releasing a wife or child from the control of another.

Recapture. The recovery of property which has been previously taken in war as a prize.

Receipt. A written acknowledgment of payment or delivery. The act of receiving.

Receipts. Money received; income.

Receiver. In equity practice, an officer appointed by a court to take charge of property or funds while in litigation and do such acts as are necessary to preserve or convert them into money for proper adjustment and distribution.

Receivers' certificates. Acknowledgments of indebtedness issued by a receiver under the order of the court by which he was appointed, either directly in discharge of obligations incurred in the management of the property, or for borrowing money for the maintenance and operation of the property, and redeemable out of its proceeds. They may be made a lien on the property when that is necessary for its proper management and operation in the interest of all who may be concerned in it, as directed in the order under which they are issued, and are usually made a first charge on the fund in the receiver's hands, after payment of the operating expenses. Bouvier.

Recesses. The intervals when the court is not open or engaged in the transaction of business.

Recession. A re-grant or return of land or territory to a government which formerly held it by another country or state.

Reciprocity. Mutuality; the doing something in return for a like act from another person or country. Mutual concessions made by nations in favor of the importation of the products and manufactures of each other.

Recital. A setting out by way of preamble or explanation of the reasons or purposes of the instrument, as in a deed.

Recite. To state in a written instrument facts connected with its inception, or reasons for its being made.

Reclaim. To take back or recover a thing which had been lost. To put in a condition of usefulness; or to tame animals.

To demand again what one has previously parted with. With reference to animals, to reclaim, means to domesticate them, or bring them back from a wild state. It is also used in this sense in reference to wild lands, which

Digitized by Google

are said to be reclaimed when brought under cultivation.

Recognizance or **Recognisance.** An obligation of record, signed before a court of record or magistrate duly authorized, binding the signer to do some act or perform some duty therein stipulated, as to appear for trial, keep the peace, pay costs, or the like.

Record. To enter in writing for future reference or safe keeping. To transcribe in official books. To write out as authentic evidence of what has been done. Also, the complete history or compend of a trial in court.

Recordari facias loquelam. That you cause the plaint to be recorded. The emphatic words in the writ used in England to remove replevin suit from the county court to one of the superior courts.

Record of nisi prius. In the practice of the English common law courts, this is an official transcript or copy of the proceedings in an action, entered on parchment, sealed, and passed, as it is termed, at the proper office. It serves as a warrant to the judge to try the cause, and is the only document at which he can judicially look for information as to the nature of the proceedings and the issues joined between the parties. Abbott.

Recorder. A judicial officer in some American cities with the powers and authority of a judge. Also, a county or state officer with duties of keeping and recording deeds and other papers required by law to be placed in the public records.

Recording. The act of placing on record, or transcribing into the official records.

Recording acts. The name of the statutes which in various jurisdictions govern the recording of deeds, mortgages and the like instruments, which it is desired to place upon the public records. The theory and purpose of these acts is thus described by Abbott: "To make known the chain of title to landed property within the state, and enable persons proposing to buy or lend upon lands, to learn of any adverse titles or claims. The general operation of the recording acts is, that in each county of the state a public office is maintained for the record of instruments transferring or incumbering lands within the county. To entitle an instrument to be recorded it must be acknowledged or proved by a subscribing witness or witnesses; and these requirements being complied with, the grantee or incumbrancer has the right to have it transcribed at length upon the books of the office. This being done, gives constructive notice, by the provisions of the recording acts, to all the world, of the existence and contents of the instrument as recorded."

Recoupment. To deduct or keep back something. The abatement or reduction of a demand.

Recourse. A return or going back. Used in reference to commercial

Digitized by Google

paper to indicate the right of a holder of paper to look back to the various indorsers for payment of the same, unless they have indorsed "without recourse."

Recourse, without. That qualified indorsement of commercial paper which relieves the indorser from liability to the indorsee or holder.

The general mercantile law allows that when a payee or indorsee of a negotiable instrument desires to transfer his property in it, without at the same time assuming the responsibliity of an endorser, he may do so by what is called a qualified or restricted indorsement. The form in common use is for him to write above the indorsement of his name the words "without recourse;" and this mode of indorsing is known as an indorsement without recourse. Abbott.

Recovery. Obtaining by means of a judicial proceeding. Actual possession by a judicial decree.

Recovery, common. A method of transferring title to property, formerly used in England to get around statutes restricting the transfer of real property.

Rectus in curia. Right in court; one who has freed himself of a charge or accusation before the court, as by being freed from outlawry, or the like.

Recriminate. To answer an accusation by a countercharge against the accuser. As in a divorce suit where adultery is charged, the counter charge of adultery on the part of the plaintiff is styled "recrimination.

Recusant. One who obstinately rebels against authority or refuses to conform to church discipline.

Reddendo singula singulis. Referring particular things to particular persons. A phrase descriptive of a method of construing a written instrument so as to separate and distribute the things mentioned therein among the persons mentioned, so that the intention of the party making the instrument may be carried out, notwithstanding some apparent conflict in the disposition of the things.

Redhibitory action. A suit to annul a sale for defect of the thing sold and delivered.

Red tape. A vernacular expression signifying official authority in minor matters carried to extremes.

Redeem. To recover, or buy back. To secure again something which has been parted with to secure a liability.

Redemption, equity of. The right or privilege of paying a mortgage debt within a stated time and thereby freeing the property or article pledged for its security.

Redraft. A bill of exchange drawn at the place where another bill was made payable and where it was protested, upon the place where the first bill was drawn, or, when there is no regular

Digitized by Google

commercial intercourse rendering that practicable, then in the next best or most direct practicable course. Bell, Com. 406.

Redress. Satisfaction received for an injury to person or property.

Reduce. To diminish or abate from a demand or claim.

Reduction into possession. The act of converting a right of action into possession by bringing suit or collecting what is due thereon.

Redundancy. A fault in pleading or in the drafting of instruments consisting of inserting matters which have no connection or relevancy to the subject matter or which are without the scope of the instrument.

Re-entry. The act of taking back the control or possession of real property which has been parted with for some purpose, as where the property had been leased and the lease has terminated or been avoided by breach of the conditions therein.

Re-examination. A second examination of a person or thing.

Re-exchange. The additional expense or exchange incurred where a bill is dishonored in a foreign country and where it is made payable, and therefore returned to the country in which it was made or indorsed for payment.

Refer. To direct attention to. To turn a cause or matter over to a person or referee for some proceeding or action to be taken.

Referee. A quasi-judicial officer who is sometimes appointed by a court for the purpose of taking testimony, or doing some detail work in connection with a litigated matter. His report or findings is returned to the court appointing him.

Referendum. One of the methods of securing popular government by direct legislation. It requires that a proposed statute or law before becoming operative shall be submitted or referred to the people for their approval by ballot. The other features of direct legislation, are the initiative, giving the people the right to formulate laws in the first instance, and the recall, by which the people can recall or remove a public officer or representative by petition before the expiration of his term of office.

Reform. To correct; to make over with a view to bettering. A procedure by which an instrument is changed to conform to what is decreed to have been the real intention of the parties.

Reformatory. A penal institution, in which an effort is made to improve the moral and mental condition of the persons therein detained. Juvenile offenders are usually confined in such places.

Refreshing the memory. A phrase indicating that one's recollection of a matter or event has been revived by referring to some memorandum or document made at the time or connected with the matter in question.

Digitized by Google

Refund. To pay back something which has been received as an over-payment, or which should not have been paid.

Refuse. To deny a request or demand; to decline to do something.

Register. To write in a book or public record something which is required to be placed there. The record itself. The keeper of the record.

Registration. The act of recording in an official record.

Regnal years. The years of a reign of an English king or queen.

Regrating. Formerly, the offence of buying up inanimate provisions at a market with the purpose of reselling in the same market at an advance. The offender was termed a regrator.

Regular. According to law or custom. In accordance with the usual rule, or general practice.

Regulate. To adjust by rule; to control by statute; to restrict or direct.

Rehearing. A second hearing before the same tribunal, or of the same controversy. A re-argument of an issue.

Reimburse. To repay; to make good a loss or damage.

Reinstate. To restore to a former condition. Used in connection with the restoration of a case to its place on the docket, after it had been dropped.

Reinsurance. Insurance effected by an underwriter upon a subject against certain risks, with another underwriter, on the same subject, against all or a part of the same risk, not exceeding the same amount. Insurance with another company by an underwriter who has assumed a risk upon property to an amount greater than it is desirable for him to carry.

Rejoinder. The defendant's answer to the plaintiff's replication.

Relation. A connection or tie between two subjects or persons. The recital of facts or contentions.

Relative. Having connection; comparative. One connected by blood.

Relative fact. One having relation to another fact, which is of more importance in the issue; a minor fact, or circumstance.

Relator. An informer. The technical term for one who is the plaintiff or informer in a quo warranto proceeding, or other action begun by information.

Release. A discharge or surrender. A voluntary discharge of a claim or debt. The act or instrument by which the discharge or release is made.

Relevancy. Pertinent or applicable to the issue as made up between the parties, and qualified to aid in determining the truth or falsity of the respective contentions.

Relevant. Pertinent and applicable to the issue.

Relict. A surviving husband or wife.

Digitized by Google

Relinquish. To surrender or abandon something previously claimed. The giving up of a right or claim.

Remainder. An estate limited to take effect after the termination of another estate.

Remainder-man. The person designated to enjoy an estate in remainder.

Remand. To send back, or recommit. Used of sending a cause back for trial which has been improperly appealed, and also in regard to the recommittal of an accused person to prison.

Remedial. Affording a remedy or redress for a wrong or injury done. Pertaining to the method of redressing injuries or securing rights.

Remedy. The judicial means of enforcing a right or redressing a wrong.

Remise. To give up, or relinquish.

Remit. To abandon or forgive. To discharge; to give up. Also, to transmit or send money.

Remitter. A term in real property law for a fiction or theory whereby one who has the right of entry in lands, but is out of possession, and who obtains possession of the lands under some subsequent title, which, however, is of course defective, is considered to be sent back (remitted), by operation of law, to his ancient and more certain title. The possession which he gained by a bad title is deemed annexed to his own good title, and his defeasible estate is annulled by the act of the law. Abbott.

Remittitur. It is sent back. The order of a superior court to an inferior court accompanying the record of a case with instructions as to what further action the lower court shall take.

Remote. Distant from; having slight connection with a matter.

Remover. The transfer of a cause from one court or jurisdiction to another.

Renewal. The act of replacing a former matter or thing by one later in date. Extending time of payment on an obligation.

Rent. A compensation or return for the use of a thing. The price paid for the privilege of occupying real property of another.

Reopening a case. A court of equity, in the exercise of a sound discretion, has full power to reopen a case, and allow the correction of mistakes in testimony. To reopen a case is to permit the introduction of new evidence and, practically, try it anew; to rehear a case is to hear it again upon the same proofs and allegations. Bouvier.

Repeal. To revoke a statute by legislative act. A revocation or recalling of a decree or edict.

Repellitur a sacramento infamis. An infamous person is repelled from an oath. That is, an infamous person is not allowed to take the oath as a witness. But the maxim does not now maintain.

Replead. To plead anew; to put in new pleadings.

Digitized by Google

Replevin. The common law action or writ devised to obtain the specific chattel or thing which the plaintiff claimed was his property. It still retains its distinctive characteristic.

Replevy. Obtaining property by means of the employment of the action of replevin.

Replication. The pleading of the plaintiff in response to the plea or answer of the defendant. Under the code the corresponding pleading would be the reply.

Reply. The plaintiff's response to the answer of the defendant. Also, the answer to a letter or argument.

Report. A brief, or statement of the facts of a matter or judicial controversy. The finding or opinion of a person who has been delegated to investigate a matter made to the person or official delegating him.

Reports. The official volumes giving the decisions of the various courts of record. They are designated by the name of the state and court in which they were rendered.

Reports, the. Lord Coke's famous compilations of decisions have become known simply as The Reports, without giving his name in the citation. They cover the period from 14 Elizabeth to 13 James I.

Representative. One who stands in the place of another, or represents him. Also, the designation of the legislative officers elected by the people to make the laws, and who are regarded as representing the electors or constituents.

Reprieve. A respite; to suspend the execution of a penalty or sentence of execution for a limited time, as for the purpose of further investigation, or the like.

Reprisal. The taking without judicial process, the property of another in satisfaction for something taken or done by the other. A retaliatory measure similar to recaption.

Republic. A commonwealth, or form of government in which the whole people share in the possession of the sovereignty and administration of the government by means of elected or delegated officials. The mass of the people as a collective entity.

Republican government. A government by the people through representatives chosen by them, and involving a recognition that the supreme authority or sovereignty still resides in the whole people, and its exercise by elected officials is only a delegated and limited authority.

Repugnancy. An inconsistency in the parts of a pleading or a written instrument.

Reputation. The opinion in which one is generally held in the community in which he lives. The opinion as to the character or condition of a person or thing generally entertained by those who are acquainted with the facts.

Res. A thing, or things. Anything which may be the object

Digitized by Google

of a right, or the subject matter of an action.

Reserve. To withhold; to keep back. Thus to reserve something in a lease or deed is to retain its control or keep it back from the part or portion granted.

Res gestæ. Things done. The entire transaction. In evidence, the term signifies the things done or surrounding the main fact, and happening either simultaneously with the main act or so closely connected with it as to adhere to and form a part of it. Such acts are sometimes permitted to be shown in evidence the same as the act itself.

They are said to be the automatic and undesigned incidents of a particular litigated act, and which are admissible in evidence when illustrative of such act. 96 Cal. 125. Whart. Ev.

Resignation. To relinquish or surrender an office, title, personal privilege, power or the like.

Res integra. A new thing or question; a matter undecided.

Res inter alios acta. An act done between others. Something to which one is not a party.

Res inter alios acta alteri nocere non debet. A thing done between others ought not to injure one. Abbott explains this to be one of the most important and useful maxims relating to the law of evidence. Its significance being to protect the rights of a litigant from being taken away or impaired by the acts, conduct, declarations, or evidence of strangers to the litigation.

Res ipsa loquitur. The thing speaks for itself, or of itself. An expression signifying that an accident is of such a character as to show negligence from its mere happening, or by proof of the accident alone.

Res judicata. A matter decided or adjudged. Something already passed upon by a court, and which is now a thing adjudicated.

Res judicata pro veritate accipitur. A matter adjudged is received for truth. That is, court records and the like are deemed to have been correctly made, the acts of the officers in regard to them regular and proper, until the contrary is shown.

Res nova. A new matter.

Res nullius. Things of no one. Something without an owner.

Res privata. Things belonging to individuals, or owned in private capacity.

Res publica. Public property. The public property, as seas, rivers, harbors and the like.

Rescind. To overthrow or cancel previous action; to vacate; to set aside.

Reservation. An exception; something reserved or retained in a grant which would otherwise be included. The part of a deed or instrument which reserves a thing not in esse at the time of the grant, but is newly created. Bouv.

Digitized by Google

Reside. To dwell; to live at or in a place. To dwell permanently.

Residence. One's permanent place of abode.

Residuary. Something left over; pertaining to the remains or residue after previous gifts or grants.

Residue. All that remains after specific grants and charges have been satisfied.

Resist. To oppose.

Resolve. To determine, to state.

Respite. A postponement of a thing; to adjourn or prolong.

Respondeat. Let him answer.

Respondeat ouster. That he answer over. A form of judgment for plaintiff against defendant upon a plea in abatement.

Respondeat superior. Let the master answer.

The principal or master is responsible for the acts done by his agent or servant, as such. This rule is of almost universal application, whether the act be one of omission or commission, whether negligent, fraudulent, or deceitful, provided it is not the wilful, wanton act of the servant. The fact that the master did not authorize the act, or even know of its performance, makes no difference. Even if he disapproved of and forbade it, he is still liable, if the act or neglect of the servant was done in the scope of the employment or agency. The reason upon which the rule rests is, that, as the master has the selection of those admitted to his employment, he ought to be responsible for the results, if, through want of due inquiry or otherwise, he selects an improper person. He is thus made responsible only for his own want of care. Abbott.

Respondent. A defendant in an equity, admiralty or divorce action.

Respondentia. A loan of money, on maritime interest, on goods laden on board of a ship, upon the condition that if the goods be wholly lost in the course of the voyage, by any of the perils enumerated in the contract, the lender shall lose his money; if not, that the borrower shall pay him the sum borrowed, with the interest agreed upon. Bouvier.

Responsa prudentum. Answers of learned men; opinions of those learned in the law, under the Roman law. These were treasured and came to have the weight of modern precedents.

Responsible. One that is legally or morally liable for his acts. Financial ability to meet obligations.

Rest. A period of time in the calculation of interest upon a note or loan, at which time the principal and interest are calculated and interest charged upon the new principal including the interest then due.

Restitution. The restoring of a thing unlawfully taken from another. An order or writ to make such restoration.

Digitized by Google

Restrain. To enjoin; to limit or confine.

Resulting trust. A trust raised by implication or construction of law, and presumed to exist from the supposed intention of the parties and the nature of the transaction. Bouvier.

Resulting use. A use raised by equity for the benefit of a feoffor or who has made a voluntary conveyance to uses without any declaration of the use. See Washb. R. P. 100.

Retainer. The act of employing or engaging an attorney or advocate. The fee paid or agreement made on the first employment of an attorney. Also, the right which an executor has of retaining from the assets of the estate sufficient to pay his own debt as a creditor of the estate.

Retention. In Scotch law, the right to retain property until a debt due thereon is satisfied.

Retorno habendo. For having a return; the name of the writ of execution for the return of the property in the action of replevin at common law.

Retorsion. An act by a sovereignty in returning the same sort or treatment to the citizens of another nation as they give to its citizens; a measure of retaliation.

Retraxit. He has withdrawn. A voluntary withdrawal of a suit by the plaintiff.

Retreat. To go backward; to retire or avoid an assault or attack.

Retroactive. Acting in the past; designates laws which purport to operate upon past events or transactions.

Retrospective. Looking backward. Same as retroactive.

Return. An official statement by an officer of what he has done in obedience to a command from a superior authority, or why he has done nothing, whichever is required. The certificate endorsed on a writ or process by the officer charged with serving it, of what has been done thereunder is termed "a return."

Return day. The day named in a writ or process, within which the officer is required to return it to the court with an endorsement thereon of what he has done under it.

Revenue. Income; the income of the government from whatever source.

Reus. At civil law, a defendant in a civil action, as distinguished from the plaintiff, or actor. Also, a person accused of crime, or the defendant in a criminal action.

Reversal. The annulment or setting aside of the verdict or decision of a lower court by a higher one.

Reverse. To declare void; to annul, or revoke.

Reversion. The residue of an estate left in a grantor, to commence after the expiration of a granted estate. The return or reverting of the land to the orig-

Digitized by Google

inal grantor after the expiration of the term granted.

Reversioner. The one entitled to a reversionary estate.

Review. To examine again, or a second time. To consider for the purpose of correction. The term includes any or all of the methods by which a judicial act may be revised, including appeal, writ of error, rehearing, re-examination, etc.

Revise. To correct upon another or second examination.

Revised Statutes. Those which have been amended and arranged in order, or re-enacted.

Revive. To renew; to make operative an abated or dormant judgment.

Revocation. The act of calling back, or annulling; avoiding.

Revocatur. It is revoked. A term applied to a judgment signifying that the judgment has been annulled for an error in fact, and not for error in law.

Revoke. To annul; to withdraw or take away authority or a grant previously made. To render inoperative and void.

Revolt. An offense on shipboard, which consists in the endeavor of a crew of a vessel, or any one or more of them, to overthrow the legitimate authority of her commander, with intent to remove him from his command, or to take possession of the vessel against his will, by assuming the government and navigation of her, or by transferring their obedience from the lawful commander to some other person. 11 Wheat. 417.

Rex. King.

Rex non potest peccare. The king can do no wrong. An ancient principle of the English monarchical system.

Rex nunquam moritur. The king never dies. The theory of the continuance of sovereign power under the English monarchical system, the rights and powers being vested immediately in the successor on the death or abdication of the sovereign.

Rider. In parliamentary and legislative practice, the addition or annexation of a clause to a bill or measure while in course of passage.

Right. An enforceable claim or title; a legal or well-founded claim. A claim to the enjoyment of something to which the individual is entitled as a member of society. That which a person is guaranteed by law.

Right of action. A right which will sustain an action at law or in equity. A right to recover by judicial remedy.

Right of way. The privilege of passing over the land of another.

Riot. An act of violence, or tumultuous disturbance of the public peace by three or more persons assembling together of their own authority.

Riot act. A famous English statute (1 Geo. I. st. 2, ch. 5.) pro-

Digitized by Google

viding for the suppression of riots. It provided for the proper executive officer to call upon the persons assembled and unlawfully disturbing the peace, to disperse, after which if the orders were not obeyed within one hour, they might be dispersed by force, and in addition the persons were deemed guilty of a felony. Reading the riot act, as it was called, was the proclamation made to such riotous assemblies by the proper officer.

Riparian. Relating to the banks of rivers or seas.

Riparian proprietors. Those who own or control the banks of a stream or watercourse.

Riparian rights. The rights incident to the ownership of the banks of waterways.

Road. A passageway, whether public or private, for the use of persons and equipages.

Road, public. One dedicated to public use.

Road, law of the. The customary regulations for the convenience of travel upon public streets or roads.

Robbery. The felonious taking of property from the person of another, accomplished by means of force or fear. 4 Bl. Com. 243.

Robbery, highway. Robbery upon the public highway. Formerly punished more severely than robbery elsewhere.

Roll. The piece of parchment upon which legal proceedings were formerly entered. The record of a court.

Round robin. Signatures so written that it is impossible to tell which was written first. As where they are written around a circle.

Rout. A disturbance of the peace by persons assembling together with an intent to do a thing which, if executed, will make them rioters, and actually making a motion towards the execution thereof. Hawk. Pl. Crown, 516.

Rule. A regulation or provision prescribed by some specific authority. A decision or mandate of a court, made during the progress of a cause or as a means of regulating proceedings in general. Also, the passing upon a question.

Rule absolute. When a rule to show cause has been defaulted or has been heard, and the cause given is shown insufficient, the next step is called making the rule absolute; that is, a final, peremptory and unconditional order is made upon the party to do the act. This rule is opposed to the preliminary one, called the one to show cause, or **rule nisi.**

Rule in Shelley's case. The famous rule affecting real property enunciated by the court in Shelley's case, and which has come down to modern law. As stated by Lord Coke the rule is: "When the ancestor, by any gift or conveyance, taketh an estate of freehold, and in the same gift or conveyance an estate is limit-

Digitized by Google

ed, either mediately or immediately, to his heirs in fee or in tail, the heirs are words of limitation of the estate, and not words of purchase." 1 Co. 104.

Rule of course. One that is granted by a court officer as a matter of course, without the intervention of the court.

Rule of court. An order or regulation made by a court.

Running accounts. Existing mutual accounts, or cross-demands between parties, which are open and unsettled.

Running of the statute of limitations. A phrase signifying the passing of the time in which an act becomes invalid or unenforceable under the statute of limitations.

Running with the land. This phrase signifies that a right or privilege, or easement, passes with the title to land without special mention in the deed.

S.

Sabbath-breaking. The desecration of the sabbath, or Sunday, by doing things which are contrary to the laws protecting the repose and quiet of the day.

Sabbath, or Sabbath-Day. Saturday, or the seventh day of the week. Also applied to Sunday, or the first day of the week. A day consecrated to rest and religious service.

Sacrilege. The offence of reviling or desecrating anything that has been consecrated to religious purposes. Thus, despoiling churches, or destroying instruments of worship.

Safe-conduct. A written permission given by a belligerent government, or one of its naval or military commanders, enabling an enemy subject to go to a particular place for a particular object. Bouv.

Safeguard. A writ or assurance from the king guaranteeing the safety and privileges of strangers in England.

Said. Technically, the next before mentioned; previously mentioned.

Salary. Regular money payments for services rendered.

Sale. A contract for the transfer of property from one person to another for a valuable consideration. 2 Kent Com. 625. The transferring the property in goods from one to another upon a valuable consideration.

Sale on approval. This phrase, and the corresponding phrases, "sale on trial" and "sale or return" is a sale dependent upon a condition precedent; viz., on condition that the purchaser is satisfied with or approves the goods. The approval need not be expressed: it may be implied from keeping the goods beyond a reasonable time. See Benj. Sales, 483.

Sale with faults. A sale in which the goods are not warranted free of faults, but are subject to such defects as do not destroy their identity.

Digitized by Google

Saloon. In common parlance signifies a place where intoxicating liquors are sold, and this restricted meaning will be given to the term where the context or other circumstances require it. But it also means a place of refreshment, or an apartment for the reception of company or the public.

Salus populi est suprema lex. The welfare of the public is the highest law. That is, the rights of the individual are secondary and must yield to the public or general good.

Salvage. The allowance to persons for saving a ship or goods from the perils of the sea. The aid so rendered, or in towing or assisting a vessel in distress.

Same. Of the like kind, though not necessarily identical. Also used to refer to something previously mentioned in a written instrument.

Sanctuary. A place of refuge, where the life of the refugee was privileged from attack, and where the processes of the law cannot be executed. Bouvier says that sanctuaries may be divided into religious and civil. The former were very common in Europe, nearly all religious houses affording protection from arrest to all persons, whether accused of crime or pursued for debt. This kind was never known in the United States. Civil sanctuary, or that protection which is afforded to a man in his own house, was always respected in this country. The house protects the owner from the service of all civil process in the first instance, but not if he is once lawfully arrested and takes refuge in his own house. But no place affords protection from arrest in criminal cases.

Sane. Sound in mind; possessing normal mental faculties.

Sans recours. Without recourse.

Satisfaction. Payment, or extinguishment of a debt or claim. The entry of release of a suit, demand, or mortgage.

Satisfaction, Accord and. An agreement between two parties to give and accept something in satisfaction of a right of action which one has against the other, which when performed is a bar to all actions upon this account. Also called "Accord." Bouv.

Satisfy. To comply actually and fully with a demand. To meet the stipulated conditions or terms.

Saving clause. A clause in a legal instrument excepting or exempting something which would otherwise be included within the general terms of the instrument.

Savings bank. An institution only partially embodying the features of a bank in the full sense of the term, the purpose of which is to promote the prosperity of persons of small means and limited opportunities of investing them, by receiving their savings in even trivial sums, and lending them in larger amounts, whereby interest may be gained, to be divided among the depositors. Abbott.

Digitized by Google

Scandal. In pleading, anything alleged in a pleading in such language as is unbecoming the court to hear, or which is contrary to good manners, or which charges a crime or offence unnecessary to be shown in the action.

Scandalous matter. Defamatory matter or allegations inserted in a pleading which are immaterial to the issue. See Scandal.

Scandalum magnatum. Slander of the nobility.

Schedule. A detailed statement or list of articles which is appended to an instrument in which the same articles are mentioned generally. An outline or plan.

Science. Systematized knowledge; principles and deductions arranged so as to be available for the use of persons.

Scienter. Knowingly; with knowledge that makes one liable for an act.

Scientia utrimque par pares contrahentes facit. Equal knowledge on both sides makes the contracting parties equal. Hence, what is known by one need not be communicated by the other.

Scilicet. To wit; that is to say; namely. Abbreviated sc. and ss. Videlicet is commonly used in the same sense.

Scintilla. The smallest amount; a spark.

Scintilla juris. A spark of right; the smallest portion of legal right or interest.

Scintilla of evidence. Slight evidence, but sufficient in some cases to support a verdict.

Scire facias. That you cause to know. The name of a common-law writ, and the proceedings thereunder, founded upon a public record, and requiring the defendant or person against whom it is issued to show cause why the plaintiff should not have the advantage of the record. The writ is also used to revive a judgment, and upon a bail bond or recognizance.

Scire feci. I have caused to know. The return to the writ of fieri facias.

Scire fieri. To cause to know. The name of a former English writ to enforce a judgment against an executor.

Scribere est agere. To write is to act. A maxim indicating that to urge the commission of an offense, as treason, is an overt act of treason.

Scrivener. Formerly a person whose business it was to write deeds or other instruments for others; a sort of conveyancer, or business agent or notary.

Scroll. A mark or lines made with a pen and intended to take the place of a seal. Also, a rolled paper or instrument in writing.

Seal. Originally, a wax or wafer pressed with a ring or stamp on a document as a means of attesting the genuineness thereof and its solemn execution. The impression thus made. Now, any scroll or emblem printed or made after a signature to indicate sealing.

Digitized by Google

Sealing a verdict. The act of a jury in putting their finding or verdict in a cause in a sealed envelope before returning it to the clerk of the court.

Search. An examination by authority of law, as a search for prior patents. The examination of public records to determine the title or condition of a thing.

Search-warrant. A warrant or authority from a court or magistrate to search a house or place for the purpose of discovering something alleged to be concealed or hidden. The right to this warrant is safeguarded by state and national constitutions.

Seaman. A mariner or sailor; one whose business is following the sea, or navigating ships.

Seashore. The space of land between high and low water mark.

The seashore must be understood to be the margin of the sea, in its usual and ordinary state. Thus, when the tide is out, low-water mark is the margin of the sea; and when the sea is full, the margin is high-water mark. The seashore is therefore all the ground between the ordinary high-water and low-water mark. It cannot be considered as including any ground always covered by the sea; for then it would have no definite limit on the seaboard. Neither can it include any part of the upland, for the same reason. This definition of the shore seems to result necessarily from its nature and situation. 6 Mass. 435.

In England the seashore is deemed to be the property of the sovereign, subject to the public right of the sovereign and people together, to pass and repass over it; which latter right is in the way of an easement.

In this country the seashore belongs to the state. 3 Kent, Com. 347; 60 N. Y. 56; 16 Pet. 367. In England the sovereign is not the absolute proprietor, but holds the seashore subject to the public rights of navigation and fishery; and if he grants it to an individual, his grantee takes subject to the same rights. So in this country it has been held that the rights of fishery and navigation remain unimpaired by the grant of lands covered by navigable water. But the power of the states, unlike that of the crown, is absolute except in so far as it is controlled by the federal constitution. The states, therefore, may regulate the use of their shores and the fisheries thereon, provided such regulations do not interfere with the laws of congress. Bouvier.

In Massachusetts and Maine, by the colony ordinance of 1641, and by usage arising therefrom, the proprietors of adjoining land on bays and arms of the sea, and other places where the tide ebbs and flows, go to low water mark, subject to the public easement, and not exceeding one hundred yards below high water mark. 6 Mass. 439. It is the general rule that the owner of lands owns to low-water mark, although bounded by stakes and stones on the bank of the river. 1 Whart. 131.

Seaworthy. A term applied to vessels signifying that they are in

Digitized by Google

good condition to go to sea, and fit for general navigation.

Secession. Separation; withdrawing from a union or compact.

Secondary. Of an inferior grade, or of less importance. Applied to evidence, means that which is not the best, or of the highest quality to be obtained. When the best or primary evidence of the existence of a fact is destroyed or lost, then secondary evidence may be admitted.

Secondary conveyance. A conveyance of such a nature as presupposes some other conveyance precedent, and which only serves to alter, confirm, enlarge, restrain, restore, or transfer the interest granted by such original conveyance, is sometimes distinguished as secondary. Abbott. Thus the assignment of a lease is a secondary conveyance.

Secondary evidence. That which is not primary or of the highest grade to prove the point in issue, but which is allowed because the primary or best evidence is not obtainable.

Section. In public land, a portion of a township consisting of one square mile, or 640 acres of land. Also a division or paragraph of a law or statute.

Secundum allegata et probata. According to what is alleged and proved. A recovery must be governed by the allegations and evidence in the case.

Secundum bonos mores. According to good morals.

Secundum formam statuti. According to the form of the statute.

Secured. Protected; guaranteed or indemnified. As a secured creditor, who holds property or security for his claim.

Security; collateral. Something given with another thing as a guaranty of performance or payment. Property delivered with a promise to pay money.

Secus. Otherwise. A word used in introducing a converse proposition.

Se defendendo. In defending himself.

Sed non allocatur. But it is not allowed. A phrase meaning that the court held otherwise than as contended.

Sedition. Conduct tending towards treason, but lacking an overt act; an attempt made by speeches or writings to subvert the government may be so classed.

Sed per curiam. But by the court. Where the opinion of the court differs from that of a single judge this expression is sometimes used.

Seduce. The procuring of a female, by promise of marriage or otherwise, to submit to carnal intercourse.

Seduction. The act of seducing by persuasion or enticements; the debauching of a female by means of solicitations or promises.

Seisin. The possession of real property as of right, or by reason of a chain of title. Ownership. Under the feudal system, a seisin indicated a freehold estate.

Digitized by Google

Self-defence. The protection of one's person or property from injury by means of one's own strength.

Self-disserving evidence. Evidence consisting of previous statements or actions of a person which are against his interest or contention.

Self-serving evidence. The statements or actions of a party which are in his favor at the time they are offered, though previously made. Both self-serving and self-disserving evidence is called self-regarding evidence.

Semble. It seems.

Semper. Always.

Semper in dubiis benigniora præferenda sunt. In case of doubt, the more favorable constructions are always to be preferred.

Semper præsumitur pro legitimatione. The presumption is always in favor of legitimacy. That is, the law believes things to have been done legally or morally, rather than illegally.

Semper præsumitur pro negante. The presumption is always in favor of the party denying. The burden is on the affirmative of a question.

Senatus consultum. Ordained by the senate.

Sentence. The judicial pronouncement of the penalty or punishment to be meted upon one convicted of crime. The penalty so pronounced.

Sentence of death recorded. A former English practice of recording or entering a sentence of death, but upon the understanding that it was not to be executed; practically a reprieve or suspension of sentence by the court.

Separaliter. Separately.

Separate action. A phrase used with reference to the doctrine which, in many cases, allows two persons interested in the same demand, or injured by the same wrong, to join in one suit. Where such privilege is refused, it is common to say that they must bring separate actions. Abbott.

Separatim. Separately.

Separation. In divorce law, a cessation of intercourse or cohabitation of husband and wife upon a mutual agreement to that effect. Statutes permit of a voluntary separation of husband and wife.

Separate maintenance. An allowance made to a wife on her separation from her husband under an agreement to live apart.

Sequester. To take into judicial custody during the pendency of an action. To confiscate.

Sequestration. The act of taking litigated property from the possession of both the claimants during the suit and placing same with a commission or commissioners to take charge of same pending the final termination of the action. A process to seize the property of one who is in contempt. A taking for public use, etc.

Digitized by Google

Serf. In feudal times, a menial, who was regarded as being affixed to the land of the manor in which he belonged.

Sergeant-at-law. Under the English system, a barrister in the common-law courts of high rank or standing.

Seriatim. Successively; one after another; individually.

Servant. A hireling employed to perform duties of a menial or inferior nature about the household. Also, an employe, in whatever trade or occupation, who is not an agent or possessing authority to represent the master.

Servant, fellow. In the law of torts, an employe in a common line of service with others, and under the same direction, and having no control over the others, or they over him.

Service. Work done for another. Also signifies the delivery of a summons or notice to the person to whom it is directed.

Service by publication. A phrase signifying the statutory method of securing service of summons by advertisement in a newspaper of general circulation.

Service, civil. The executive part of a government.

Servient. An estate subject to a burden or servitude, as an easement or right of way.

Servitude. The charge or burden upon one estate for the benefit of another. The condition of one compelled to serve another.

Session. The term of a court, assembly, legislature, etc.

Set of exchange. The different parts of a bill of exchange, taken together. Each part is a perfect instrument by itself, but the parts are numbered successively, and the payment of any one cancels the others of the set.

Set-off. A demand made by a defendant against the plaintiff to liquidate his claim in whole or in part. Allowable now, but not so in former times.

Settle. To compromise or pay. To adjust or arrange. Also, to inhabit or live upon land as a home.

Settlement. An adjustment or payment to the satisfaction of the parties. Also, a community or place of residences.

Severable. That which is divisible, or capable of being disunited into component parts.

Several. Distinct; separate. The opposite of joint.

Severalty. In one's own right. An estate in severalty is one enjoyed wholly by an individual and not connected with any other person or interest.

Severance. The separation of a part of a thing from another. Singling; dividing; disjointing.

Sham. In pleading, signifies a false or fictitious matter set up by defendant for the purpose of delay.

Share. A part or portion of anything, whether equal or not.

Shelley's case, Rule in. "When the ancestor, by any gift or conveyance, taketh an estate of freehold, and in the same gift or

Digitized by Google

conveyance an estate is limited, either mediately or immediately, to his heirs in fee or fee tail, the heirs are words of limitation of the estate, and not words of purchase." 1 Co. 104.

Sheriff. A county official of great antiquity, whose duties are to keep the peace and serve the writs and processes of the courts within the county.

Sheriff's sale. A sale of property conducted by a sheriff upon process from the county court.

Shifting use. Such a use as takes effect in derogation of some other estate, and is limited expressly by the deed or is allowed to be created by some person named in the deed. Bouv.

Ship. A vessel employed in navigation. A vessel with three masts. The word comprehends every description of vessel navigating on any sea or channel, lake or river, to which the provisions of revised statutes, title "Merchant Marine," may be applicable; R. S. Sec. 4612; 119 U. S. 629.

Ship's husband. The agent of a ship, appointed by the owner.

Ship's papers. This is the general term used to designate the several papers which a commercial vessel must carry, to make known the ownership, nationality, etc., of the ship and cargo. The general law of nations prescribes some, and the statutes of particular commercial nations prescribe others in addition. Abbott.

Shire. A county.

Short cause. In the English chancery practice, and also in the several states, causes which will take but a few minutes or a short time to hear may be so marked, and may be taken up out of the regular order and thus be more speedily disposed of.

Short entry. A term used among bankers to denote the fact which takes place when a note has been sent to a bank for collection, and an entry of it is made in the customer's bank-book, stating the amount in an inner column, and carrying it out into the accounts between the parties when it has been paid. Bouv. The effect is, that the bill or note remains the property of the depositor, and the bank holds it as collecting agent only.

Short session. The second session of the U. S. Congress, beginning on the first Monday in December and ending March 4th following.

Si aliquid sapit. If he knows anything; that is, if he is not entirely devoid of reason.

Sic interpretandum est ut verba accipiantur cum effectu. The construction should be such that all the language may, if possible, have effect.

Si constet de persona. If it be certain who is the person meant.

Sic utere tuo ut alienum non laedas. So use your own that you shall not injure another. One of Justinian's three maxims.

Sidewalk. That part of a public street or highway set apart and

Digitized by Google

designed for the use of pedestrians.

Side-bar rule. One that could be obtained at the side-bar of the court, hence a rule which issued as a matter of course, or informally.

Si ita est. If it is so.

Sign. To attest; to assent to by writing one's name or making a mark.

Signature. The act of writing one's name or making one's mark. The name or mark when made.

Similiter. Likewise. In pleading, the word or formula used in accepting an issue of fact or law tendered by the other side, the whole phrase being et prædectus a similiter, "and the plaintiff doth the like."

Simony. The corrupt presentation of any one to an ecclesiastical benefice, for money, gift or reward.

Simplex commendatio non obligat. A simple recommendation does not bind. That is, one is not bound on a mere recommendation which is not a warranty or guaranty.

Simpliciter. Simply; immediately.

Simul cum. Together with.

Sine die. Without day; indefinitely.

Sine hoc. Without this. The equivalent of absque hoc.

Sinecure. Without care. Applied to an office with slight duties.

Si non omnes. If not all.

Singular. A term which means each, or individual. It is applied to various things or objects regarded individually.

Sinking fund. A fund arising by setting apart some specific taxes or other source of government income, to be applied towards paying a specified indebtedness, usually interest first and then the principal.

Sittings. In English practice, the sessions of courts.

Sittings in camera. The sittings of a judge at chambers.

Skill. The art of doing a thing as it ought to be done. Bouv.

Slander. Words falsely spoken which are injurious to the reputation of another. Bouv. Oral defamation of another; words uttered falsely and maliciously, by which the reputation of another is injured.

Slander of title. A false and malicious statement intended to lessen the extent of interest or title which one has in property.

Slave. One in bondage to another.

Sleeping on rights. A phrase signifying that one has been neglectful to prosecute his claim for so long a time that it has become stale.

Smuggling. The secret transportation of dutiable merchandise so as to escape the collection of the duties levied thereon.

Socialism. That theory of government under which all the productions of nature would be owned and enjoyed in common,

Digitized by Google

and the results of labor would go directly to the laboring class without the intervention of capitalism.

Socii mei socius meus socius non est. The partner of my partner is not my partner.

Sodomy. A carnal copulation by human beings with each other against nature, or with a beast. Bouv.

Soil. The surface of the earth where vegetation grows.

Sole. Singly; alone. Consisting of a single individual.

Solemnize. To carry out according to legal form.

Solicitor. In English practice, the title of one entitled to practice in the court of chancery.

Solvency. The state of being able to meet all one's obligations of a financial nature.

Solvit ad diem. He paid at the day, or promptly.

Son assault demesne. His own assault. A defence to an action of assault.

Sound and disposing mind and memory. A phrase in the law of wills equivalent to testamentary capacity.

By a sound and disposing mind and memory is meant that the testator must be capable of making his will, with an understanding of the nature of the business in which he is engaged, a recollection of the property of which he means to dispose, of the persons who are the objects of his bounty, and of the manner in which it is to be distributed between them.

Sovereign. A chief ruler; a king. One possessing supreme power.

Sovereignty. The supreme power in a state. It is the power to do everything in the state without accountability; to make laws, to execute and to apply them, to impose and collect taxes and levy contributions, to make war or peace, to form treaties of alliance or of commerce with foreign nations, and the like. Story, Const. Sec. 207.

Special. Particular; individual. Relating to a species.

Special contract. A specialty; a contract under seal. Also, an express or actual contract.

Specialty. A contract or agreement made under seal.

Specie payment. The payment of notes or obligations in coin.

Specific legacy. A gift by will of a particular object, or money from a particular source.

Specific performance. The actual performance or carrying out of a contract or agreement as made. In equity practice, the compelling of a contracting party to do just as he has agreed, instead of giving damages for non-performance.

Spoliation. The destruction, mutilating or altering of a written instrument or will. Plundering of a neutral vessel by a belligerent.

Spondet peritiam artis. He promises the skill of his art. That

Digitized by Google

is, he promises to do the work in a skilful manner.

Springing use. A use limited to commence in future, independent of any preceding estate. 2 Bl. Com. 334.

Stabit præsumptio, donec probetur in contrarium. A presumption shall stand until proof to the contrary is given. A presumption must be rebutted.

Stale demand. One that has not been asserted for so long a time that a court of equity will refuse to recognize it as valid, because of complainant's laches in not asserting it sooner.

Standing aside jurors. A practice which originated in England of directing jurors to stand aside until the whole panel was exhausted, without showing cause on the part of the crown. The same practice has been allowed in some of the states, and even where there is a peremptory right of challenge by the state. See Bouvier.

Standing mute. Refusing to plead when called upon to do so upon arraignment, or refusing to accept trial.

Stare decisis, et non quieta movere. To stand by precedents, and not to disturb what is established. A phrase signifying the policy of the English and American courts in following decided cases or precedents in subsequent litigation. The rule or doctrine is called stare decisis.

State. To aver; to allege. A condition or status. A sovereign government. One of the members of a federal union.

In American constitutional law, the word state has gathered associations which are not to be considered as changing its meaning as a term, but deserve distinct notice. The supreme court has defined it, in the sense in which it ordinarily occurs in the constitution, as meaning a political community of free citizens living in a territory of defined boundaries, and organized under a government authorized and limited by a written constitution, adopted by the will of the people; but in the clause of the constitution which provides that the United States shall guarantee to every state in the Union a republican form of government, and shall protect each of them from invasion, the term state is used to express the idea of a people or political community, as distinguished from the government. Texas v. White, 7 Wall. 700.

State trial. A prosecution by the government. In England the more important cases in which the government was interested have been collected and are known as State Trials.

Stat pro ratione voluntas. The will stands in place of a reason. A phrase applicable to the right of a testator to dispose of his property.

Stat pro ratione voluntas populi. The will of the people takes the place of a reason.

Statu quo. The existing state of things.

Digitized by Google

Status. One's standing or legal condition; a political or civil condition or situation.

Statute. A law enacted by a duly qualified legislative power. A manifestation of the sovereign power through the will of the legislative body in a state. Also, the written law as opposed to that which is unwritten.

Statute of Frauds. The Statute of 29 Charles II., c. 3, enacted in 1678, to obviate frauds and perjuries. Many of its leading provisions have been copied into the legislation of the various states in almost the exact wording of the original statute.

Statutes at large. The statutes in full, as originally enacted and unabridged. Thus the acts of Congress are known as the United States Statutes at Large.

Stay. The granting of a suspension of judicial proceedings; to stop or prevent the carrying out of legal process.

Stay laws. In times of extended and severe financial trouble, the legislatures of some of the states have endeavored to give debtors some protection against oppressive enforcement of laws for collection of debts, by enactment of laws suspending certain judicial remedies; as by providing that foreclosure suits shall not be commenced for a certain period of time, or that execution shall not issue in certain cases. Laws of this nature are popularly called stay laws. Abbott.

Stay of execution. The suspension of a judgment or decree; a delaying of the executive or ministerial action of carrying out the judgment of a court. A period fixed by law, when bond has been given, during which execution cannot be issued in civil cases.

Steal. To commit larceny; that is, to feloniously take and carry away the property of another.

Stet processus. Let the process stand; let the proceedings be stayed.

Stipend. A periodical payment for services rendered. The pecuniary compensation of an English curate.

Stipulation. An item in a contract or agreement. In admiralty practice, a species of bail or recognizance for the appearance of a defendant, or his abiding by the decision of the court.

Stirpes. A root. The source of descent.

Stirpes, per. The division of property among heirs so that each one takes by right of representation, so that if an heir has died his children take his share among them, and do not inherit equally with the more immediate heirs, as would be the case if the estate were divided equally or per capita.

Stock. A family, or source of descent. The capital of a corporation, and the indebtedness of the government as divided into shares is so called.

Stockholder. One who has property interests in the assets of a corporation and who is entitled to take part in its control and

Digitized by Google

receive its dividends. The word includes all members having a direct financial interest in the business of the corporation with power to participate in the profits and in the conduct of its affairs, though they hold no shares. Bouvier.

Stoppage in transitu. The remedy given a seller of an article to be shipped to the buyer, before payment, of stopping it while in transit upon learning of the insolvency of the buyer. The exercise of this right is known as stoppage in transit.

Stray. A beast or domestic animal running at large away from its owner; also an estray.

Strand. The seashore; the shore or bank of a sea or river.

Strictum jus. Strict law.

Strictissimi juris. Of the strictest right or construction. Subject to the most rigid application of rules of law.

Struck jury. In a class of cases in which peculiar and difficult questions are involved, rendering it proper that persons of peculiar knowledge and qualifications should form the jury, instead of its being composed by lot, what is called a struck jury is allowed. This is also sometimes called a special jury; but it seems that the term special is less definite, as there may be other special panels. In this country, the proceeding is rare; and the steps to be taken are regulated by statute or rule of court, which may vary in detail in different jurisdictions. But its distinguishing features according to old forms are these: The clerk of court returns a list of a large number of selected names of men of known qualifications for the trial of such questions as are presented in the cause. Thus, if it is a cause involving difficult questions of banking and finance, he returns (in theory) the names of approved bankers or men of like expcrience. From this list the attorneys of the parties alternately strike off names, until twenty-four are left. These constitute the panel returned to the court from which the jury for the trial of the cause is selected. Abbott.

Sub. Under.

Sub modo. Under restrictions or qualifications.

Sub pœna. Under penalty. A phrase from which the word subpœna is derived, meaning a writ to procure the attendance of a witness under penalty.

Subject, or subject-matter. The thing referred to, or the thing in controversy.

Sub-let. To transfer to another what one has procured a contract to perform; to lease over to another all or part of lands or tenements which one has leased.

Suborn or Subornation of Perjury. To induce another to swear falsely.

Subpœna. A writ or process commanding the person therein named to appear at a time and place mentioned, under pain of a penalty.

Digitized by Google

Subrogation. The substitution of one person to the rights of another; the method by which one who pays the obligation of another succeeds to the rights and securities of the first creditor.

Subscribe. To write underneath. The writing of one's name at the bottom or end of an instrument by way of adoption, attestation or ratification.

Subscribing witness. One who puts his or her name to an instrument in writing as an attesting witness.

Subsidy. Originally, pecuniary assistance or aid granted by parliament to the crown. In modern American usage it signifies governmental assistance given to any enterprise which benefits the general public.

Succession. The transmission of property from an ancestor to an heir; the transfer of property or rights and franchises from one to another. The right to inherit or succeed another in property or rights.

Succession, perpetual. The right of perpetual renewal or existence, as the right of a corporation to its franchises and property.

Sue. To bring or prosecute an action at law.

Sufferance. Omission to object; passive consent; a sort of negative permission arising from neglect to assert one's right or claim against another. Thus a tenant by sufferance is one who came lawfully into possession of lands, but whose right has expired, and who continues to occupy merely by the implied permission of the owner who has not given notice for him to quit.

Sufferance, estate at. At will; an estate which is not founded on any right and is subject to be divested at the will of the owner, as where a tenant holds over after expiration of his lease.

Suggestio falsi. False representations or suggestions.

Suggestion on the record. This phrase refers to a common method of bringing to the knowledge of the court matters of fact important to the right conduct or decision of a cause, but which cannot, under the circumstances, be pleaded. As where a party to the suit dies, this is gotten into the record by what is called a suggestion, so that the proper proceedings may be had to continue the action. Abbott.

Sui generis. Of a special kind or class. Of its own kind.

Sui juris. Of one's own right. Legally competent to represent one's self.

Suicide. Self-destruction; taking one's own life while in possession of one's faculties.

Suit. An action at law or in equity; the whole of the proceedings in an action at law or in equity.

Summary. Peremptory; without delay; immediate.

Summa ratio est quae pro religione facit. An argument which

Digitized by Google

is favorable to religion is of great weight. That is, a law which is in positive conflict with the law of God or nature is void. As if a statute should attempt to legalize murder, it would be void.

Summary conviction. A trial of offenders before a magistrate or bench of magistrates, without the intervention of a jury. It is the usual method of trying the lesser offenses.

Summing up. An address, such as is usually incidental to a jury trial of a cause, reviewing the evidence and explaining the application of the law to the facts, is called the summing up of the cause, or, briefly, the summing up. Making this address is summing up, and to make it is to sum up. Abbott.

Summons. The writ or notice to the defendant to appear and answer given at the beginning of an action.

Summum jus, summa injuria. The extremes of law become great injuries. That is, right pushed to extremes, becomes wrong.

Sumptuary laws. Laws which purport to restrain excess in apparel or prohibit costly clothes, were originally so called in England. The term now is applied to all those laws which affect the individual in his private concerns, as matters of food, drink, clothing, and the like.

Sunday. The first day of the week. A legal holiday, and by custom given over to religious or moral instruction.

Supercargo. An owner's agent or representative who has charge of the cargo while on shipboard.

Superior. One in a position of authority over others; one vested with command or control.

Supersedeas. That you refrain or set aside. The name of a common-law writ issued to a ministerial officer commanding him to desist or refrain from proceeding further under another writ. An order commanding a stay of proceedings in a case, or a stay of judgment.

Supplemental. Something added to complete a thing. Made to aid or supply defects in a previous proceeding or instrument. In pleading, a supplemental pleading differs from an amended one in that it is only an addition or aider of the original pleading, while an amended pleading takes the place of and supplants the former one.

Supplemental answer. One which is filed to add something, explain or correct the original answer previously filed.

Support. The right of having one's land or buildings carried up by the soil adjoining as fully as the natural state of the soil will permit. Also, to contend in favor of a rule or order.

Suppressio veri. Suppression of truth; concealment of facts.

Supra. Above; formerly mentioned; over.

Supra protest. Over protest. The acceptance of a bill of exchange by a person not a party to it,

Digitized by Google

after protest, for the purpose of protecting the credit of a party.

Supremacy. The supreme authority; the highest estate or dominion.

Surcharge. An overcharge; an exaction or charge of incumbrance greater than is just or can be properly borne.

Surety. One who by contract has become answerable for the act or obligation of another; one who has engaged that a debtor shall pay, and becomes liable himself if he does not do so.

Suretyship. The relation in which one who has engaged to be answerable for another's debt or obligation stands, as regards the creditor and the primary debtor.

An undertaking to answer for the debt, default or miscarriage of another, by which the surety becomes bound as the principal or original debtor is bound. Bouv.

Surname. The name of a family as distinguished from the baptismal name. The name of the father, called surname, because originally they were written over the name in judicial writings and contracts.

Surplusage. Matter in an instrument or pleading which is extraneous or unnecessary.

Surprise. The being taken unawares, or misled by acts which could not have been differently understood.

Surrogate. The style or title of a judicial officer charged with the probate of wills and the settlement of estates of decedents, and matters of guardianship. Similar to probate judge.

Surrebutter. The plaintiff's answer to the defendant's rebutter.

Surrejoinder. The answer by plaintiff to defendant's rejoinder.

Surrender. To yield possession, or give one's self up to answer a charge or complaint.

Survey. To examine, view or measure in order to determine boundaries, area, etc., of land.

Survive. To live beyond; to live after a person or event.

Survivorship. A right which falls to the one who survives of taking all of the estate.

Suspendatur per collum. Latin, let him be hanged by the neck. The judgment entered against a prisoner sentenced to be hanged formerly used in English practice.

Suspension. A temporary cessation of a right or estate for a time. The taking away of privilege or benefit of rules of law for a limited time.

Suum cuique tribuere. To render to every one his own. One of Justinian's three fundamental maxims.

Sworn. Applicable to one who has taken an oath as a witness.

Syllabus. An abstract. An epitome of the points decided in a case.

Symbolic delivery. The giving of a thing in representation of an-

Digitized by Google

other thing, which is not subject of actual delivery.

Syngraph. A deed or other written instrument, under the hand and seal of all the parties to it. So-called since the parties wrote together. It is a canon law term, the common law writers designating such an instrument a **chirograph.**

T.

Tabella. A table. A tablet on which the judge or jurors wrote their vote or decision in Roman times.

Table. A synopsis or statement showing details or particulars of a subject.

Table of cases. A list of cases; an index showing cases cited in a text book.

Tabula in naufragio. A plank in a shipwreck. A phrase used figuratively to signify something saved out of a general loss, as a small dividend out of a bankrupt's estate.

Tacit. That which is inferred or implied from silence or acquiescence; implied.

Tack. To join together, or add to. The annexing of a junior lien to a previous or first lien, that it may acquire priority over another intermediate lien. The equitable doctrine of connecting or uniting a first and subsequent security so that both will rank ahead of other incumbrances.

Tail general. Is where an estate is limited to a man and the heirs of his body, without any restriction at all; or, according to some authorities, with no other restriction than that in relation to sex. Thus tail male general is the same thing as tail male; the word general, in such case, implying that there is no other restriction upon the descent of the estate than that it must go in the male line. Mozley & W.

Tail, or entail. Same as estate tail; that is, a limited ownership, or an estate limited and restricted to particular heirs.

Taint. The obloquy or attaint arising from conviction of felony. The person so convicted.

Take up. To discharge a note or bill by payment on the part of an indorser or acceptor, who then holds the instrument as against the previous indorsers and the primary obligee.

Tales. Such, or like. The name applied to other or additional jurors summoned to fill a panel. The writ for summoning such jurors.

Talesman. An additional juryman, summoned to complete a jury.

Talio. Punishment of the same nature as the offence committed. A sort of legal retaliation.

Talis. Similar; such a one as.

Talis interpretatio semper fienda est, ut evitetur absurdam, et inconveniens, et ne judicium sit illusiorium. Interpretation is al-

Digitized by Google

ways to be made in such a manner, that what is absurd and inconvenient is to be avoided, lest the judgment be illusory.

Talis non est eadem; nam nullum simile est idem. What is like is not the same; for nothing similar is the same.

Taliter processum est. Such proceedings were had; a concise way of referring to proceedings which were gone through in a cause without stating them in detail.

Tangible property. That which has body and form; capable of being felt and handled, as opposed to incorporeal property.

Tare. Loss; the difference between the gross and net weight of a commodity being shipped.

Tariff. A schedule or list of articles arranged in such a form as to show charges, prices or rates affixed to each article. A list of dutiable articles, with the import or export duty upon each. The law or rule upon which the duties are levied.

Tavern. Originally, a wine-shop. An inn; a public place of entertainment for travelers, with the servants and domestic animals.

Tax. The assessment or imposition imposed by the government upon persons or property within its jurisdiction for the purposes of government. The amount so received or levied.

Taxable. That which is subject to taxation, whether persons or property. Also, when applied to costs in a lawsuit signifies those warrantable and chargeable by law.

Tax deed. The deed given by a public officer to the purchaser of lands which have been sold for the non-payment of taxes levied upon them.

Taxing power. The power of any government to levy taxes upon persons and property.

Tax levy. The general or total sum to be raised by taxation in a district. Also, the legislative enactment by which an annual or general tax is levied.

Tax-payer. A person upon whom a tax has been levied; one liable to the payment of taxes.

Tax sale. The sale of lands or property for the non-payment of the taxes assessed thereon.

Tax title. The title which the purchaser at a tax sale derives to the land or property which has been sold for taxes. It becomes a perfect title on the failure of the owners who have neglected to pay the tax, or their assigns, to redeem within the time specified by law, upon the purchaser securing a deed from the auditor or proper official.

Taxation. The process of taxing; the power and right of the government to levy and collect by assessment upon its subjects such sum as it deems necessary for its support and operations. This power is, in theory, unlimited.

Taxation of costs. The determination and charging of the proper items of costs in a legal proceed-

Digitized by Google

ing which a party is liable to pay or have charged.

Technicalities. Words or terms peculiar to a science or art; strict rules or principles.

Telegram. A message which has been sent or received by means of the instrument known as the telegraph, by means of which audible and visible signals are carried long distances over wires, being transmitted by electro-magnetism.

Tempus. Time; a limited period of time.

Tempus continuum. A continuous period of time.

Tempus utile. Useful or beneficial time; such time as is available for the exercise of a right, or in which the statute of limitations will continue to run.

Tenancy. The estate or holding of a tenant.

Tenant. Generally it signifies any person who holds or possesses land, by whatever sort of title. More restricted, it signifies a lessee or qualified possessor of property under a lease from a superior landlord.

Tenant by the curtesy. A husband occupying, after his wife's death, lands of which she was seized, in virtue of the curtesy, i. e., custom, of England, which accords a life-estate to the husband who survives his wife in lands of which she was seized during the marriage, if they had issue. 2 Bl. Com. 128.

Tenant in dower. A widow occupying lands of her husband's estate in virtue of her right of dower.

Tenants in common. Persons who own lands by several and distinct titles, occupying it together and having a unity of possession and enjoyment. The usual tenure where two or more persons own realty together.

A tenancy in common differs from a joint tenancy in this respect: joint tenants have one estate in the whole, and no estate in any particular part; they have the power of alienation over their respective aliquot parts; and, by exercising that power, may give a separate and distinct right to their particular parts. Tenants in common have several and distinct estates in their respective parts; hence the difference in the several modes of assurance by them. Each tenant in common has, in contemplation of law, a distinct tenement and a distinct freehold. Wharton.

Tender. A formal offer of payment or performance; such an offer of a thing as will release the party proffering it of costs or penalty though it be refused by the other party.

Tender, legal. Anything which the law authorizes to be offered in payment of a debt; currency or money receivable in payment of all legal obligations.

Tenement. Anything permanent in the way of real property that may be held by a tenant. A house or homestead; the property held by a tenant.

Digitized by Google

Tenendum. To be held. That part of a deed now joined to the habendum and expressed in the clause "to have and to hold."

Tenor. The language, substance, or purport of an instrument.

Tenor est qui legem dat feodo. It is the tenor (of a grant) which determines the estate.

Tenterden's Act. The English statute of 9 Geo. IV. ch. 14, understood to have been passed at the instance of Lord Tenterden. It is in the nature of an enlarged application of the principle of the statute of frauds, requiring contracts to be in writing.

Tenure. Holding. A term employed in the English feudal system, and denoting the holding of lands subject to the superior lord or chief owner, who, in the last resort, was the king, the source of all property and fountain of justice. It signifies the right or estate which a person may have in property, that is, his occupancy and enjoyment of it. The word is also correctly used in reference to the holding of an office.

Term. A fixed or definite period of time; the time or duration prescribed in a grant or lease. A word, or stipulation. The time during which a court is in session.

Terminus. A limit, either of space or time. A boundary.

Terminus a quo. The limit from which.

Terminus ad quem. The limit to which.

Term of Court. In English practice, this phrase, term of court, had a very definite, frequent, and important use, throughout nearly the whole period of the reports of cases; in which it often appears as signifying those four periods of the year during which the courts at Westminster have been accustomed to sit to hear and determine points of law and transact other legal business of importance, and which are called respectively Hilary, Easter, Trinity, and Michaelmas terms. Abbott.

Term of years. An estate to be enjoyed for any fixed or definite time, and extending over several years.

Termor. One that holds lands for a term of years or for life.

Terra affirmata. Land let to farm.

Terra boscalis. Woody land.

Terra culta. Cultivated or tilled land.

Terra excultabilis. Land which may be ploughed.

Terra nova. New land; land recently reclaimed or converted to arable land.

Terre extendenda. Land to be valued.

Terre-tenant. One who is in actual possession of land, or is seized of the same. The legal owner as distinguished from the equitable interest or owner.

Terre transit cum onere. Land passes with its incumbrance.

Territory. A part of a country separately organized from the

Digitized by Google

general government, and subordinate in government or jurisdiction to the country of which it is a part. A large area of land.

Territorial courts. The courts provided and established by Congress for the administration of justice in the territories. They consist of a supreme court, district courts, probate courts and justices of the peace.

Testacy. A term signifying that one has died leaving a will disposing of his effects.

Testament. A will; a formal instrument disposing of property, designed to take effect at the death of him who makes it.

Testamentary. Connected with or pertaining to wills or testaments.

Testamentary capacity. Refers to the mental condition of one qualified to make a valid will, it is said to consist in being able to talk and discourse rationally and sensibly, and being able to perform rational acts requiring thought, judgment and reflection.

Testamentary capacity amounts to nothing more than a knowledge by the testator of what he is about, and how he is disposing of his property, with the purpose so to do it. 5 Harr. (Del.) 459.

Testamentary guardian. One appointed by a father, in his last will and testament, to be the guardian of his children, until they attain the age of majority.

Testate. Leaving a testament or will at death, as opposed to intestate.

Testatrix. A female who makes a will or testament.

Testatum. Witnesseth.

Teste. Witness. The clause stating the date of a writ or process, and the attestation clause.

Testify. To give evidence under oath, or according to the legal requirements.

Testimony. The evidence obtained from witnesses; the whole record of the evidence in a case.

Theft. The same as larceny.

Thellusson Act. The Statute, 39 & 40, Geo. III. ch. 98, passed in 1799, in consequence of the effect of a peculiar will made by a man named Thellusson. He was a man of great estate, and by his will left the bulk of his property to be accumulated until his descendants living, or in **ventra sa mere** at the time of his death should be dead. The Thellusson Act was passed to prevent similar bequests. By its provisions a grantor or testator is forbidden to direct the accumulation of his property for a period exceeding twenty-one years from his death, subject to certain exceptions mentioned in the act. Similar legislation has been adopted in some of the states.

Then and there. Words used to refer to the time and place previously mentioned in an instrument to avoid repeating them.

Digitized by Google

Theory. An underlying principle. An unproved doctrine as opposed to something that is scientific or practical.

Thief. One guilty of larceny or theft.

Threat. A menace by words or actions to such an extent, and of such a nature as to have an effect upon the mind of the party against whom it is directed, so that his action in regard to a matter is not free or voluntary. A menace of destruction or injury to the lives, character or property of those against whom it is made.

Three-mile limit. The distance of a marine league from shore, the territory over which a nation has control of the sea or tide waters.

Tide. The flow and reflow of the waters of the ocean.

Tide water. Water in which the tide ebbs and flows.

Tie. When the votes cast for and those against a question submitted to a deliberative body are equal in number, so that no result is reached, there is said to be a tie.

Time bargain. An agreement to buy or sell stock at a future time or within a fixed time at a certain price.

Time immemorial, or out of mind. An expression signifying beyond legal memory.

Tipstaff. An English court officer appointed by the marshal of the court of king's bench, and who uses a rod or staff tipped with silver. In the U. S. court officers are so called in some jurisdictions.

Tithes. In English jurisprudence, the tenth part or portion of the crops or produce of land, or the industry of the people which were taken for the support of the church and clergy. The system never prevailed in the U. S.

Title. Ownership; the right or claim by which land is held. The evidence of ownership; the means whereby the owner of land has the enjoyment of it. 2 Bl. Com. 195.

Title, abstract of. An epitomized copy of the records of conveyances affecting the title to a parcel of land.

Title deeds. The deeds or conveyances which evidence a person's right or claim to land; muniments of title.

Title of a cause. The individual designation by which any particular proceeding or action in court is known and distinguished from all others. It usually consists of the name of the court, the venue, and some designation of the parties, plaintiff and defendant.

To-wit. Namely; that is to say. Used the same as **videlicet**, or **scilicet.**

Token. A material visible sign of the existence of a fact. A symbol; a thing given to complete a bargain, as a representative of something more substantial.

Digitized by Google

Tokens, false. A kind of counterfeit money.

Toll. To defeat; to take away; to bar. Also, a charge or payment for the privilege of passing over a road, or occupying a market place.

Toll the entry. To take away or bar the right of entry.

Ton. A measure of weight; two thousand pounds avoirdupois.

Tonnage. The capacity of a vessel or car for cargo or freight.

Tonnage duty, or tax. A duty or pecuniary exaction on merchandise which is estimated at a given rate per ton.

Torrens system. The system of government registration of land titles, devised by Sir Robert Torrens, and used in England.

Tort. A wrong which results independent of contract; a private or civil injury causing damage to a person's health, body, reputation or property.

The law recognizes certain rights as belonging to every individual, such as the right to personal security, to liberty, to property, to reputation, to the services of a daughter or servant, to the companionship of a wife, etc. Any violation of one of these rights is a tort. In the like manner the law recognizes certain duties as attached to every individual, as the duty of not deceiving by false representations, of not prosecuting another maliciously, of not using your own property so as to injure another, etc. The breach of any of these duties coupled with consequent damages to any one is also a tort. Underhill, Torts, 4.

Tort-feasor. A person committing a tort; a wrong-doer.

Torture. Corporal suffering inflicted with the intention of extorting a confession from a person suspected of crime. Severe or cruel violence to the person.

Totidem verbis. In so many words; in the exact language.

Toties quoties. As often as; as often as it may happen.

Toujours et uncore prist. Law French, for always and still ready, a plea of tender.

Town. A division of a county. A village, or collection of dwellings.

Township. A territorial division of a county. A political subdivision within the county.

Tract. A piece or parcel of land; a lot.

Trade. A calling or avocation. An occupation connected with buying or selling; a calling distinct from a profession.

Trade fixtures. Chattels which are used by a tenant of lands or buildings, and which though affixed to the realty are subject to removal at the end of the term as instruments of his trade or calling.

Trade-mark. An emblem or distinctive marking affixed by a manufacturer to identify his goods. Such marks when not generic are protected by the fed-

Digitized by Google

eral laws in a manner similar to copyrights.

Trade name. A business name or designation acquired by long use, by an individual or firm.

Trade union. A combination or associations of persons in a particular trade, for the purpose of regulating that trade as to prices and hours of work.

A combination or association of persons pursuing a particular trade, formed for the purpose of mutual aid, particularly in securing the highest prices for their labor. Such combinations on the part of either of employers or employes to regulate the price of labor are, within certain limits, valid by the common law (Rex v. Batt, 6 Car. & Payne, 329); if, however, they are carried to lengths involving violence in any phase or shape, they are illegal. Abbott.

Traditio loqui facit chartam. Delivery makes a deed speak. That is, a deed is not of effect until delivered.

Traitor. One guilty of treason.

Transcript. A copy of a record or judicial proceeding. The copy of an original writing.

Transfer. To assign or convey; to remove or change the location of; the transaction or act of passing title to property from one to another.

Transferee. He to whom a transfer is made.

Transferor. The one making a transfer.

Transit in rem judicatam. It passes into a matter adjudged. That is, the matter from a simple contract has merged into a judgment.

Transitory action. Those actions which might happen, as regards the principal facts upon which they are founded, at any place, and so follow the person and may be brought wherever service can be had; they are opposed to local actions, which are connected with the place or locality in which they arise. Thus actions to collect a debt or in regard to personal property are transitory, while those seeking to obtain possession of land are local.

Transportation. The carriage of persons or movable property from one place to another. Also, in criminal law, the exportation of a criminal or convicted person out of the country as a punishment. Abbott says that in this sense it differs from "banishment" and "exile" in that it includes the idea that the person is kept under confinement or restraint, while the other terms merely import that he is expelled from the home country.

Traverse. To deny. In pleading, the denial of the allegations set forth in a declaration or pleading, or the charges of an indictment.

Treason. A much abused offence at common law, by which most anything the judges desired amounted to treason. Under the U. S. Constitution treason consists only in levying war

Digitized by Google

against the U. S., or in adhering to or giving aid and comfort to their enemies.

Treasure-trove. Money or coin, gold, silver, plate, or bullion, found hidden in the earth or other private place, the owner thereof being unknown. In such case the treasure belongs to the king, and is part of his ordinary revenue; but if he that hid it be known, or afterwards found out, the owner, and not the king, is entitled to it. 3 Inst. 132.

Treaty. A solemn and formal compact or agreement made between independent nations touching their relations with each other.

Tres faciunt collegium. Three make a corporation. A principle of Roman law. In many states three or more incorporators are necessary to constitute a corporation.

Trespass. A general name for a number of wrongs or injuries committed with force actual or implied. Any misfeasance or act of one whereby another is damaged. Commonly used with reference to the unlawful entry upon the land of another person.

Trespasser ab initio. Wrongdoer from the beginning.

Trespass on the case. This is that form of action which, according to common law procedure, was appropriate to redress a trespass to the person or to personal property in cases where the injury done was the indirect or remote result of the wrongful force.

Trespass vi et armis. A trespass with force and arms. An action for damages founded upon a direct or actual use of force in committing the injury complained of.

Trial. The judicial determination of an issue submitted for decision.

Tribunal. Originally, the elevated seat of the Roman prætor, who occupied it while giving decisions. Hence a court or forum. A place where law suits are tried or justice administered.

Trigamus, or **trigamist.** One thrice married.

Tripartite. Consisting of three parts or copies.

Trover. To find. A common law action for conversion of property which by a fiction was represented as having been found and converted to the use of him who had so discovered it.

Trust. Confidence reposed in another; a gift of property to one or several to hold subject to a duty or confidence of applying it according to the directions and to the objects stipulated by the donor. Also, a combination of competing industries for the purpose of stifling competition.

Trust deed. A deed creating an active trust. In some states used as the equivalent of a mortgage deed.

Tutela legitima. Tutelage or guardianship created by law.

Digitized by Google

Tutela testamentaria. Tutelage or guardianship created by will.

Tutor. A teacher; a species of guardian under the Roman and Scotch law.

U.

U. S. United States.

Uberrima fides. The most abundant good faith. The kind of good faith required in certain contracts where nothing must be concealed, as in the representations of the insured in order to secure a contract of insurance.

Ubi. Where; when.

Ubi aliquid conceditur, conceditur et id sine quo res ipsa esse non potest. When anything is granted that also is granted without which the thing cannot exist.

Ubi aliquid impeditur propter unum, eo remoto, tollitur impedimentum. Where any thing is obstructed by some one particular cause, its removal takes the obstruction away. That is, the thing may then be performed.

Ubi cessat remedium ordinarium, ibi decurritur ad extraordinarium. Where a common or simple remedy ceases, then recourse must be had to an extraordinary one.

Ubi culpa est, ibi poena subesse debet. Where there is culpability, there punishment ought to be received.

Ubi eadem ratio, eadem jus. Where the reason is the same, the law is the same.

Ubi factum nullum, ibi fortia nulla. Where there is no principal fact, there can be no accessory.

Ubi jus, ibi remedium. Where there is a right, there is a remedy. That is, there can be no rights without remedies.

Ubi lex non distinguit, nec nos distinguere debemus. When the law makes no distinction, we ought not to distinguish.

Ubi major pars est, ibi totum. Where the greater part is, there is the whole.

Ubi non est cogendi auctoritas, ibi non est parendi necessitas. Where there is no authority for compelling, there is no necessity of obeying.

Ubi nullum matrimonium, ibi nulla dos. Where there is no marriage, there is no dower.

Ultimatum. The last. A last or final proposition in conducting negotiations, which must be accepted or rejected as it is made.

Ultra mare. Beyond the sea.

Ultra vires. Beyond the powers. A phrase used in corporation law to indicate an act done without the powers of the corporation or its officers to perform under their charter.

Umpire. An arbiter; a person selected to decide a dispute be-

Digitized by Google

tween two or more persons. Also, one who governs a game or play.

Unalienable. Rights or privileges which may not be disposed of.

Una voce. One voice; unanimously.

Uncertainty. Obscurity; the condition of a will or written instrument which is so couched as to be unintelligible or incapable of intelligent interpretation.

Unconscionable. Opposed to good conscience or equity. A hard or unusual contract or stipulation.

Unconstitutional. Contrary to the fixed principles of the constitution of the U. S. or of a state. All acts or laws of this kind are declared to be void by the courts.

Unde nihil habet. Whereof she has nothing. A writ for dower in old English law.

Undertake. To promise to do or perform something. A unilateral engagement.

Under-tenant. A lessee who holds lands from another who is also a lessee.

Underwriter. An insurer in a contract of insurance; one who accepted by writing his name under a proposition for the insurance of the vessel or cargo of another.

Underwriting. An agreement made in forming a company and offering its stocks and bonds to the public, that if they are not all taken up, the underwriter will take what remains. Bouv. The agreement thus made.

Undue influence. Any improper or wrongful constraint, machination, or urgency of persuasion, whereby the will of a person is overpowered and he is induced to do or forbear an act which he would not do, or would do, if left to act freely and voluntarily. That influence or persuasion which induces mental action which is shc t of duress. That influence which compels one to do that which is against his will from fear, the desire of peace, or some feeling which is tantamount to force or fear. 95 Ala. 495.

Unilateral contract. One-sided; where the person who receives the promise or undertaking of another makes no return express promise.

Unimpeached. Unquestioned; not discredited.

Unintelligible. That which cannot be definitely understood.

Unincumbered. Free of incumbrances or liens.

United States. The nation or government formed by the union of the various states. The whole territory of North America comprised within the jurisdiction of the federal government.

Unlawful. Illegal; forbidden by law.

Universal agent. One who is appointed to do generally all that the principal can do, or all that may lawfully be delegated to another.

Unlawful assembly. A disturbance of the peace by persons assembling together, with an in-

Digitized by Google

tention to do a thing, which if executed would make them rioters, but neither actually executing it, nor making a motion towards the execution of it. 4 Bl. Com. 146.

Unliquidated. Unascertained; still remaining to be determined or assessed.

Unsound mind. A phrase indicating mental incapacity, including the various forms of temporary and permanent derangement.

Usage. The general and uniform practice; a reasonable, legal and customary way of doing things.

Usance. Days of grace, or time allowed after the maturity of a foreign bill of exchange in which to pay it. The length of time was fixed by commercial custom.

Use. The term a use, in its original legal application, denoted simply the benefit or beneficial enjoyment of land. After the enactment of the statutes of mortmain, by which lands were prohibited from being given directly to religious houses, the ecclesiastics obtained grants to persons to the use of religious houses, which the clerical chancellors of those days declared to be binding. This device, in some measure, evaded the operation of the statutes of mortmain; and under it a use came to consist in the equitable right to receive the profit or benefit of lands and tenements, which was, in cases of lands conveyed to uses, divorced from the legal ownership thereof. Abbott.

Useful. The word useful, in the patent law, is used in opposition to frivolous or noxious. It is not necessary that the invention should be the best possible of its kind. It is sufficient if it may be applied to some beneficial use in society.

User. The actual exercise of a right or the enjoyment of property.

Usufruct. The right or privilege of drawing profit or advantage from the property of another; the right does not extend to the consumption of the article from which the profit comes.

A term of the civil law signifying the income, or fruits of property of another.

Usury. Originally, any compensation for the use of money; later, it signifies only unlawful or forbidden rates of interest, or payment for the use of money.

Ut currere solebat. As it was wont to run.

Ut res magis valeat quam pereat. That the subject-matter may rather have effect than be destroyed.

Utile per inutile non vitiatur. The useful is not to be destroyed by the useless. A maxim that in pleading the material will not be destroyed by immaterial matters alleged, the latter being treated as mere surplusage.

Utter, or **uttering.** In criminal practice, the offering for acceptance of a forged instrument with the representation by words or actions that it is genuine.

Uxor. Latin, for wife. Abbreviated ux.

Digitized by Google

V.

Vacancy. The condition of being unoccupied or destitute of an incumbent.

Vacant. Empty; unoccupied; an office without an incumbent; without a tenant.

Vacant office. An office is vacant when there is no person entitled to exercise the powers and receive the emoluments thereof. Also, when it is open to be filled by election or appointment.

Vacant possession. This occurs where a tenant has abandoned the premises which he held, though still continuing in the virtual possession of them, as by leaving some articles, in such case the possession cannot be treated as vacant, and the landlord must proceed by ejectment in the ordinary way.

Vacant succession. An inheritance, or hereditary office, to which there is no designated heir or successor.

Vacate. To declare void; to annul. To leave empty or unoccupied.

Vacation. The time between two terms of court. A time of rest or relaxation from study or duty.

Vadium. A pledge; the giving security by pledging property.

Vadium mortuum. A dead pledge. A mortgage of property that makes no return to the mortgagee, but only becomes his upon the failure of the mortgagor to fulfill the conditions of the mortgage.

Vadium ponere. To take bail for the appearance of one in court.

Vadium vivum. A living pledge. One in which the mortgaged property brings returns or profit to the mortgagee and which goes to pay the debt or obligation for which it is pledged.

Vagrant. One that wanders about and has no visible means of livelihood. A vagabond. The term has no definite significance, and what constitutes vagrancy or who are vagrants is a matter for statutory designation. It is said that a vagrant generally means a person who lives idly, without a settled home, and sometimes the term includes beggars.

Valeat quantum valere potest. It shall operate as far as it can be operative. A maxim of construction.

Valuable. Having worth or value. Of monetary worth.

Valuable consideration. The distinction between a good and valuable consideration is, that the former consists of considerations of blood, or of natural love and affection; as when a man grants an estate to a near relation from motives of generosity, prudence, and natural duty; and the latter consists of such a consideration as money, marriage which is to follow, or the like, which the law esteems an equivalent given for the grant. Brown.

Digitized by Google

Value. Estimated or appraised worth. Purchasing power. The money worth of an article.

Value, market. The price or value of an article in the customary markets.

Value received. Words indicating that a proper and valuable consideration has been received for a thing or note.

Variance. When a difference or inconsistency arises between the evidence offered and the allegations in the pleading this is said to be a variance. Also, a disagreement between the writ and the declaration as to the form of the action.

Vassal. In early English or feudal times, a tenant or feudatory; also, a slave or servant.

Vehicle. Every sort of contrivance for the transportation of property or persons on land.

Vellum. A fine parchment made from the skins of very young animals.

Venal. Something purchasable; but only used in an improper sense, indicating that the individual is purchasable.

Vendee. The party who buys in a contract of sale. Vendee and purchaser are appropriate terms in a sale of real property, and buyer when the sale is of chattel property.

Venditio exponas. That you expose for sale. A common law writ of execution, ordering the sheriff to sell goods formerly taken on a writ of fieri facias.

Vendor. The seller; one who sells or disposes of an article for a price in money.

Vendor's lien. The right or claim given in equity to one who sells land upon the land sold until he has received the full purchase price.

Venire. To come. The name of a writ for summoning a jury.

Venire facias. That you cause to come. The chief words and the name of a writ to the sheriff to secure twelve men for a jury. The full name of the writ is venire facias juratores.

Venire facias de novo. That you make to come anew. The name of a writ to summon a jury for a second trial. Also, the motion or rule for a new trial.

Venit et defendit. He comes and defends.

Venit et dicit. He comes and says.

Venue. The neighborhood or place; locality. In pleading, the place of the commission of a crime, or the happening of an act or transaction. The name of the clause in a declaration in which the county in which the event happened is stated, or where the action is pending. The part of an affidavit which shows the place in which the affidavit was given.

Verbal. Communicated by word of mouth as opposed to writing. Oral; spoken.

Verba accipienda sunt secundum subjectam materiam. Words are to be taken in reference to the subject matter.

Digitized by Google

Verba aliquid operari debent. Words should have some effect. That is, words of an instrument are to be given some meaning in its construction, and if their meaning is doubtful, that one should be taken which produces some reasonable effect.

Verba artis ex arte. Words of art form the art. So that words of technical import must be construed with regard to the significance they bear in that art to which they pertain.

Verba chartarum fortius accipiuntur contra proferentem. The words of writings are to be taken most strongly against the offering party.

The governing principle under this maxim, in regard to contracts, as against the party making them, seems to be, that he who makes an instrument should take care so to express his own liability as not to bind himself beyond his intention; and that the party who receives an instrument shall have a construction put upon it in his favor, because the words of the instrument are not his, but those of the other party. Whart. Max.

Verba generalia generaliter sunt intelligenda. General terms are to be construed generally.

Verba illata in esse videntur. Words referred to are considered as a part of the instrument.

Verba intentioni debent inservire. Words ought to subserve intention. That is, the intention of the party is to be considered in the construction of the language used.

Verdict. The decision of a trial or petit jury upon an issue of facts submitted to them.

Verdict, general. One given in terms of the issue, as "for the plaintiff in the sum of $....," or "not guilty" and the like.

Verdict, open. One that finds the commission of a crime, but not the guilty party.

Verdict, special. A return of special or distinct facts by the jury, to which the court is to apply the rule of law.

Verify. To confirm, by oath or affirmation. To establish by evidence, or matter of fact.

Verification. The making oath to an instrument in confirmation of its truthfulness or genuine character.

Versus. Against. Abbreviated v. or vs. Is said to be a contraction of adversus.

Vest. To clothe with, or confer upon, as to vest an estate upon a person, by which is meant that the estate becomes the property of the person in whom it is vested. But an estate may be vested or thrown upon one, though the actual present enjoyment is in someone else.

Vested estate. An estate is vested when it has been conferred upon a person in such a way as not to be subject to any unperformed condition precedent.

Vested legacy. A legacy is said to be vested when the words of the

Digitized by Google

testator making the bequest convey a transmissible interest, whether present or future, to the legatee in the legacy. Thus, a legacy to one, to be paid when he obtains the age of twenty-one years, is a vested legacy, because it is given unconditionally and absolutely, and therefore vests an immediate interest in the legatee, of which the enjoyment only is deferred or postponed; and if such legatee die before that age, his representatives shall receive it out of the testator's personal estate at the time that it would have become payable had the legatee himself lived. Abbott.

Veto. I forbid. The right or power given to American executive officers of refusing to assent to the enactment of legislation, and causing the enactment to fail unless passed by a larger majority, usually a two-thirds vote.

Via trita via tuta. The beaten path is the safe path. That is, it is best to follow precedents, or the usual and customary mode of procedure.

Vicarius non habet vicarium. A deputy has not a deputy. A maxim akin to delegata potestas non potest delegari.

Vi et armis. With force and arms.

Via. Way; by way of.

Vice. As a prefix, signifies one who acts for or stands second to another. In sales the term indicates a defect or fault in the thing which is the subject of the sale.

Vice-consul. One who acts in the place of, or as a substitute for a consul.

Vice-president. The officer elected at the same time as the President of the United States, with the same qualifications, and who succeeds to that office on the death or disqualification of the President.

Vide. See. A word used to call attention to some other mentioned object or subject.

Videlicet. To wit; namely; that is to say.

View. An examination by the eye; the actual examination of a place or object by a jury.

Vigilantibus et non dormientibus jura subveniunt. The law aids the vigilant, not those who sleep. That is, in order to secure one's legal rights they must be vigilant and not sleep on their rights.

Villenage. The tenure of a villein under Saxon institutions. The condition or state of a villein.

Vim vi repellere omnes leges omniaque jura permittunt. Force to repel force is permitted by all written and unwritten laws. This maxim is limited to that force necessary to one's defense, and if exceeded the person using it becomes liable criminally. Thus violence may not be used to recover property which has been wrongfully taken from one, he must let the recovery be made according to law.

Digitized by Google

Virtute cujus. By reason whereof. Words used in common law declaration to state or introduce the injurious consequences of the grievances previously set forth.

Virtute officii. By virtue of office. Done as an officer.

Vis. Force.

Vis major. A superior or irresistible force. The power of nature, or of an uncontrollable human agency.

Vise. An official endorsement or certification of documents.

Viva voce. With living voice. By word of mouth. Orally.

Void. Illegal; without binding force or effect. To annul.

Voidable. Capable of being set aside or avoided; an act or contract that may be assailed in a proceeding for that purpose.

Voir dire. To speak the truth. A preliminary oath administered to a witness or juror in order to then examine him as to his fitness or qualifications as a witness or juror. The examination itself.

Volenti non fit injuria. Having consented no injury is done.

Voluit, sed non dixit. He willed, but he did not say. That is, one may have intended an act, but did not express it openly.

Voluntary conveyance. A deed or transfer of property in which no consideration moves from the vendee to the vendor.

Voluntary escape. An escape which is attributed to the actual consent or connivance of the keeper of the prison, as distinguished from one which is attributable to mere neglect to take the proper precautions for the safekeeping of the prisoner.

Voluntary manslaughter. Killing done voluntarily, but reduced below the grade of murder by having been done upon a sudden heat of the passions. 4 Bl. Com. 190, 191.

Voluntas reputabatur pro facto. The desire or intent shall be taken for the deed. The old common law rule of criminal responsibility in the crime of treason.

Volunteer. In conveyancing, one who takes title under a conveyance made without a good or valuable consideration, and therefore has no real title as against creditors. In military law, one who freely enlists in place of another, or who offers his service to his country without having been called upon.

Vote. To express one's wishes or preference by ballot. Suffrage; the method of deciding the majority opinion in a body or aggregate of persons.

Vouch. To bear witness. To summon. To become surety for another.

Voucher. A receipt; the certificate or document which attests the existence of a matter.

Digitized by Google

W.

Wage. To give a pledge or security for the performance of an act or agreement. Also signifies earnings.

Wager. A bet; an agreement to pay money or property upon the happening of some event which is uncertain or unknown to the parties to the agreement, and in which they have no interest.

Wager of battel, or battle. A method of trial prevailing among the Anglo-Saxons, by which the controversy was determined according to the results of a personal combat between the parties or their champions.

Waive. To abandon, relinquish or surrender one's right or claim in a matter.

Wanton. Ruthless conduct without regard to the rights of others. Without justification or provocation.

War. A contest between independent states or nations with military force. During its existence all intercourse between citizens of the contending states is cut off, and all law is suspended except those rules of international law which self-respect causes all civilized states to observe.

Ward. Originally, to protect, to guard; to take charge of. A person in the care and control of another, who occupies a semi-parental relation to the one protected. The technical name for an infant or person under the guardianship of another.

Wardship. The custody of a ward.

Warden. A keeper of a public institution or prison.

Warehouse. A place where merchandise is kept for transportation or storage.

Warehouseman. One whose business or calling is to receive and store merchandise of others for reward. The proprietor of a warehouse.

Warrant. The name of that class of judicial writs authorizing the arrest of persons, searches, seizures and the like acts, in aid of justice. Also, to guarantee; to empower.

Warrant of attorney. A power in writing authorizing an attorney-at-law to appear in court and confess judgment on behalf of the party who gives the power.

Warranty. A species of covenant in conveyancing by which the grantor binds himself and his heirs to warrant and defend the title to the grantee, his heirs and assigns against all persons whatsoever. Also, a guaranty or assurance that an article or thing shall be as represented.

Waste. An injury or lasting damage to the reversion caused by the destruction of the buildings or growing trees or the like by one who is only a tenant for life or for years.

Digitized by Google

Water-course. A term signifying the general flow of water in a river, stream, creek, or other channel, and is used with reference to the right or rights of the riparian owners to have it protected from interference.

A water-course is a right which a man may have to the benefit or flow of a river or stream. This right includes that of having the course of the stream kept free from any interruption or disturbance to the prejudice of the proprietor, by the acts of persons without his own territory, whether owing to a diversion of the water, or to its obstruction, or pollution by offensive commixture. 1 Steph. Com. 659, 693.

Way. A road; the easement or right to pass over land of another.

Weapon. An instrument which may be used in personal combat, whether offensive or defensive.

Week. The time between midnight Saturday and midnight of the following Saturday; a period of seven days.

Weight of evidence. This phrase is used to signify that the proof on one side of a cause is greater than on the other. The fact as to the weight of the evidence is for the jury to determine. But if the jury abuse their right the court may give a new trial.

Wharfinger. One who owns or controls a wharf and allows others to use it for a consideration.

Whole blood. A term expressing the relation between two persons descended from a pair of nearest common ancestors; as opposed to the relation of the half-blood, in which there is but one nearest common ancestor, whether male or female. Abbott.

Whore. A harlot; a woman who for hire practices unlawful sexual commerce with men; a prostitute.

Widow. A woman who has lost her husband by death.

Widower. A man who has lost his wife by death.

Wife. A woman who has a husband living and undivorced.

Wilful. Voluntary; intentional. An act is wilful when done with knowledge and desire on the part of the person doing it.

Will. The power of mind which conceives and executes. Also, the name of the legal instrument by which a person disposes of his property, to take effect at his death.

Winding up. The process of liquidating the assets of a partnership or corporation, for purposes of distribution. In England a number of statutes, known as the Winding-up Acts, have been passed to facilitate the settlement of partnership affairs. Bouv.

Withdrawing a juror. A means of stopping a trial and allowing a subsequent trial, accomplished by the court allowing one of the

Digitized by Google

parties, by virtue of an agreement, made in the interests of justice, and because of some unforeseen circumstance preventing the continuance of the trial, to withdraw a juror from the panel, leaving it incomplete, and making a new trial necessary.

Without day. An expression referring to the postponement of an action or the adjournment of a court or other meeting without a definite time fixed for the hearing, or resumption of the meeting. The Latin of the expression, being **sine die.** It may mean simply indefinitely, or that the meeting will never assemble again.

Without prejudice. Words indicating that the action taken or compromise effected, and in reference to which they are used, is not to affect the merits of the controversy in case a settlement is not effected.

Without reserve. In sales at auction these words indicate that there is to be no by-bidding on the part of the owner.

Witness. One who is called to give oral testimony in court. Also, one who witnesses or subscribes an instrument to attest it as the act of another.

Woman. A female person of the age of puberty.

Work and labor. Manual labor; the name of a common count in assumpsit at common law.

Wound. An injury which causes the breaking of the skin.

Writ. A mandate or writing emanating from a court or officer of law, commanding something to be done by order of the court by the person to whom it is directed.

Writ of error. A mandate from a superior to an inferior court of law, commanding that an action be sent before it for review.

Writing. Thoughts expressed by written characters.

Wrong. An injury; a tort; a civil injury independent of contract. The deprivation of a legal right.

Wrongdoer. One who is responsible for the commission of a tort or injury upon the person or property of another.

Y.

Year. A period of 365 days, in which the earth revolves around the sun, causing the change of seasons.

Year and a day. An English period frequently fixed and stipulated in order to avoid the dispute in regard to including or excluding the last day of the year, when the time was stated as a year. This stipulation gave the party an entire year.

Year books. Early English court reports, from the reign of King Edward II to Henry VIII, recorded by the clerks or scribes

Digitized by Google

of the courts and published annually, and therefore called year books.

Year of our Lord. Under the English system the time of the commission of an offence may be alleged as that of the sovereign's reign, or as that of the year of our Lord. It refers to our era.

Yeas and nays. A figurative expression for the list of members of a legislative body voting for or against a proposition.

Z.

Zealot. A fanatic; a religious crank. In England, a separatist from the established church.

Zigari, or Zingari. A gypsy; a vagabond.

Zoll-verein. The customs union between the states in the German Empire, which existed from 1819 until the formation of the Empire.

Digitized by Google

Digitized by Google

LIST OF ABBREVIATIONS

COMMONLY USED IN CITING LEGAL TREATISES, REPORTS, ETC.

A. American, see also Am.

A. B. Anonymous Reports at the end of Benloe.

A. C. Appellate Court; Case on Appeal; Appeal Cases.

A. C. C. American Corporation Cases (Withrow's).

A. C. L. J. American Civil Law Journal, New York.

A. C. R. American Criminal Reports, edited by Hawley.

A. D. Anno Domini, in the year of our Lord; American Decisions (Select Cases), San Francisco.

A. G. Attorney General.

A. & E. Enc. Law. American & English Encyclopedia of Law.

A. Ins. R. American Insolvency Reports.

A. J. American Jurist.

A. K. Marsh. A. K. Marshall's Kentucky Reports.

A. L. C. American Leading Cases.

A. L. D. American Law Directory.

A. L. J. Albany Law Journal; American Law Journal (Hall's), Philadelphia.

A. L. J. N. S. American Law Journal, New Series, Philadelphia.

A. L. M. American Law Magazine, Philadelphia.

A. L. Rec. American Law Record, Cincinnati.

A. L. Reg. American Law Register, Philadelphia.

A. L. Rep. American Law Reporter, Davenport, Iowa.

A. L. Rev. American Law Review, Boston.

A. L. T. American Law Times.

A. L. T. Bankr. American Law Times Bankruptcy Reports.

A. L. T. R. American Law Times Reports.

A. M. & O. Armstrong, Macartney & Ogle's Irish Nisi Prius Reports.

A. Moo. A. Moore's Reports, in 1 Bosanquet & Puller.

A. N. & C. D. American Notary and Commissioner of Deeds.

A. P. R. American Practice Reports.

A. R. Anno Regni, in the year of the reign.

A. R. R. American Railway Reports.

A. Rep. American Reports (Selected Cases), Albany.

A. V. Ch. Assistant Vice-Chancellor.

Digitized by Google

A. & A. Corp. Angell & Ames on Corporations.

A. & D. High. Angell & Durfee on Highways.

A. & E. Adolphus & Ellis' English Queen's Bench Reports; Admiralty and Ecclesiastical.

A. & E. N. S. Adolphus & Ellis' English Queen's Bench Reports, New Series.

A. & E. R. C. American & English Railway Cases.

A. & F. Fix. Amos & Ferard on Fixtures.

A. & H. Arnold & Hodges' English Queen's Bench Reports.

A. & H. Bank. Avery & Hobbs' Bankrupt Law of United States.

Ab. Abridgment; Abbott (see Abb.).

Ab. Eq. Cas. Equity Cases Abridged, English.

Abb. Abbott's United States Circuit and District Court Reports.

Abb. Adm. Abbott's Admiralty Reports.

Abb. App. Dec. Abbott's New York Court of Appeals Decisions.

Abb. Beech. Tr. Abbott's Report of the Beecher Trial.

Abb. Ct. App. Abbott's New York Court of Appeals Decisions.

Abb. Dig. Corp. Abbott's Digest of the Law of Corporations.

Abb. F. Abbott's Forms of Pleading.

Abb. F. Sup. Abbott's Forms of Pleading, Supplement.

Abb. Ind. Dig. Abbott's Indiana Digest.

Abb. Int. Abbott's Introduction to Practice under the Codes.

Abb. L. Dic. Abbott's Law Dictionary.

Abb. Leg. Rem. Abbott's Legal Remembrancer.

Abb. N. Cas. Abbott's New Cases, New York.

Abb. N. Y. App. Abbott's New York Court of Appeals Decisions.

Abb. N. Y. Dig. Abbott's New York Digest.

Abb. Nat. Dig. Abbott's National Digest.

Abb. Pl. Abbott's Pleadings under the Code.

Abb. Pr. Abbott's New York Practice Reports.

Abb. Pr. N. S. Abbott's New York Practice Reports, New Series.

Abb. Sh. Abbott on Shipping.

Abb. Tr. Ev. Abbott's Trial Evidence.

Abb. U. S. Abbott's United States Circuit Court Reports.

Abb. U. S. Pr. Abbott's Practice in the United States Courts.

Abdy R. Pr. Abdy's Roman Civil Procedure.

Abdy & W. Gai. Abdy & Walker's Gaius & Ulpian.

Abdy & W. Just. Abdy & Walker's Justinian.

Abr. Abridgment; Abridged.

Digitized by Google

Abr. Cas. Crawford & Dix's Abridged Cases, Ireland.

Abr. Cas. Eq. (or **Eq. Cas.**) (English) Equity Cases Abridged.

Abs. Absolute.

Acc. Accord, agrees.

Act. Acton's English Privy Council Reports.

Act. Can. Acta Cancillariæ, by Monro.

Act. Reg. Acta Regia, an Abstract of Rymer's Fœdera.

Ad. Adams (see Adams); Addison (see Add.).

Ad. Ang. Sax. L. Adams' Essay on Anglo-Saxon Law.

Ad. Con. Addison's Contracts.

Ad. Ej. Adams on Ejectment.

Ad. Eq. Adams' Equity.

Ad. fin. Ad finem, near the end.

Ad. Lib. Adair on Libels.

Ad. Rom. Ant. Adams' Roman Antiquities.

Ad. Torts. Addison on Torts.

Ad. Tr. M. Adams on Trade Marks.

Ad. & Dur. R. P. Adams & Durham on Real Property.

Ad. & E. Adolphus & Ellis' English King's Bench Reports.

Adair Lib. Adair on Law of Libels.

Adam Jur. Tr. Adam on Trial by Jury.

Adams. Adams' Reports (41, 42 Maine); Adams' Reports (1 N. H.).

Add. Addison's Reports, Pennsylvania; Addams' English Ecclesiastical Reports.

Add. Abr. Addington's Abridgment of Penal Statutes.

Add. Agr. Act. Addison on the Agricultural Holdings Act.

Add. Ch. Addison's Charges (see Addison's Reports, p. 49).

Add. Con. Addison on Contracts.

Add. Ecc. (or **E. R.**) Addams' Ecclesiastical Reports.

Add. Pa. Addison's Pennsylvania Reports.

Add. Tor. Addison on Torts.

Add. Torts (Banks) (or **D. & B.**) Addison on Torts, Dudley & Baylies' edition, published by Banks & Bros.

Add. Torts (Wood). Addison on Torts, Wood's edition.

Addis. Addison, see Add.

Adj. Adjudged; Adjourned.

Adk. Town. Adkinson on Township and Town Law in Indiana.

Adm. Admiralty; Admitted.

Adm. Ecc. Admiralty and Ecclesiastical; English Law Reports, Admiralty and Ecclesiastical.

Admr. Administrator.

Admx. Administratix.

Adolph & E. Adolphus & Ellis' English King's Bench Reports.

Ads. Ad sectam, at suit of.

Adye C. M. Adye on Courts-Martial.

Agn. Fr. Agnew on the Statute of Fraud.

Agn. Pat. Agnew on Patents.

Agr. Agrees; agreement.

Agra H. C. Agra High Court Reports, India.

Digitized by Google

Aik. Aiken's Vermont Reports.

Aik. Stat. (or Dig.) Aiken's Digest of Alabama Statutes.

Aird Black. Aird's Blackstone Economized.

Aird Civ. Law. Aird's Civil Laws of France.

Al. Aleyn's Select Cases, King's Bench; Alabama; Allen (see All.).

Al. Pr. Alison on the principles of the Scottish Criminal law.

Al. Sc. Cr. L. Alison on Scottish Criminal Law.

Al. & N. Alcock & Napier's Irish King's Bench Reports.

Ala. Alabama; Alabama Reports; Minor's Alabama Reports.

Ala. N. S. Alabama Reports, New Series (Alabama Reports, proper).

Ala. Sel. Cas. Alabama Select Cases, by Shepherd.

Alb. Arb. Albert Arbitration, Lord Cairns' Decisions.

Alb. L. J. Albany Law Journal.

Alc. Alcock's Irish Registry Cases.

Alc. Per. Prop. Alcock on Personal Property.

Ald. Alden's Condensed Reports, Pennsylvania.

Ald. Abr. Alden's Abridgment of Law.

Ald. Ans. Cont. Aldrich's edition of Anson on Contracts.

Ald. Hist. Aldridge's History of the Courts of Law.

Ald. Ind. Alden's Index of United States Reports.

Ald. & V. H. Alden & Van Hoesen's Digest of Mississippi Laws.

Alex. Br. Stat. Alexander's British Statutes in force in Maryland.

Alex. Cas. Report of the Alexandra Case by Dudley.

Alex. Ch. Pr. Alexander's Chancery Practice in Maryland.

Alex. Com. Pr. Alexander's Practice of the Commissary Courts, Scotland.

Alex. Dig. Alexander's Texas Digest.

Aleyn. Aleyn's Select Cases, English King's Bench.

All. Allen (see Allen, below).

All. L. D. of Mar. Alleyne's Legal Degrees of Marriage Considered.

All. N. B. Allen's New Brunswick Reports.

All. Ser. Allahabad Series, Indian Law Reports.

All. Sher. Allen on Sheriffs.

All. Tel. Cas. Allen's Telegraph Cases.

All. & Mor. Tr. Allen & Morris' Trial.

Allen. Allen's Massachusetts Reports; Allen's Reports, New Brunswick; Aleyn's English King's Bench Reports; Allen's Washington Territory Reports.

Alln. Part. Allnatt on Partition.

Alln. Wills. Allnut on Wills.

Am. American; Amended; Amendment.

Am. C. L. J. American Civil Law Journal, New York.

Digitized by Google

Am. Ch. Dig. American Chancery Digest.

Am. Corp. Cas. American Corporation Cases (Withrow's).

Am. Cr. Rep. American Criminal Reports, edited by Hawley.

Am. Cr. Tr. Chandler's American Criminal Trials.

Am. Dec. American Decisions (Select Cases), San Francisco.

Am. Dig. American Digest.

Am. Ins. Rep. American Insolvency Reports.

Am. Jur. American Jurist, Boston.

Am. L. Cas. American Leading Cases.

Am. L. D. American Law Directory.

Am. L. Elec. American Law of Elections, by McCrary.

Am. L. J. American Law Journal (Hall's), Philadelphia.

Am. L. J. (O.) American Law Journal (Okey's), Columbus, Ohio.

Am. L. J. N. S. American Law Journal, New Series, Philadelphia.

Am. L. M. American Law Magazine, Philadelphia.

Am. L. Rec. American Law Record, Cincinnati.

Am. L. Reg. American Law Register, Philadelphia.

Am. L. Rep. American Law Reporter, Davenport, Iowa.

Am. L. Rev. American Law Review, Boston.

Am. L. T. American Law Times, Washington and New York.

Am. L. T. Bankr. American Law Times Bankruptcy Reports.

Am. L. T. R. American Law Times Reports.

Am. Law Reg. & Rev. American Law Register and Review, Philadelphia.

Am. Lawy. American Lawyer, New York.

Am. Lead. Cas. American Leading Cases (Hare & Wallace's).

Am. Neg. Cas. American Negligence Cases.

Am. Neg. Rep. American Negligence Reports.

Am. P. R. American Practice Reports.

Am. Pl. Ass. American Pleader's Assistant.

Am. Prob. Rep. American Probate Reports.

Am. Prob. Rep. Anno. American Probate Reports Annotated.

Am. R. R. Cas. American Railway Cases (Smith & Bates).

Am. R. R. Rep. American Railway Reports, New York.

Am. R. R. & Corp. Rep. American Railroad & Corporation Reports.

Am. Rep. American Reports (Selected Cases), Albany.

Am. St. P. American State Papers.

Am. St. Rep. American State Reports.

Am. St. Ry. Rep. American Street Railway Reports.

Digitized by Google

Am. Tr. M. Cas. American Trade Mark Cases (Cox's).

Am. & Eng. Cor. Cas. American and English Corporation Cases.

Am. & Eng. Dec. Eq. American and English Decisions in Equity.

Am. & Eng. Enc. Law. American and English Encyclopedia of Law.

Am. & Eng. Pat. Cas. American & English Patent Cases, edited by Brodix.

Am. & Eng. R. C. American and English Railway Cases.

Am. & Eng. R. R. Cas. American & English Railroad Cases.

Am. & Fer. Amos & Ferard on Fixtures.

Amb. (or **Ambl**). Ambler's English Chancery Reports.

Amd. Amended.

Amer. American, see Am.

Ames. Ames' Reports (4-7 Rhode Island); Ames' Reports (1 Minn.).

Ames Cas. B. & N. Ames' Cases on Bills and Notes.

Ames, K. & B. Ames, Knowles & Bradley's Reports (8 Rhode Island).

Amos Eng. Code. Amos on an English Code.

Amos Eng. Const. Amos' Primer of the English Constitution.

Amos Fifty Years. Amos' Fifty Years of the English Constitution.

Amos Int. Law. Amos on International Law.

Amos Jur. Amos' Science of Jurisprudence.

Amos Reg. Vice. Amos on Laws for Regulation of Vice.

Amos & F. Amos and Ferard on Fixtures.

An. Anonymous.

And. Andrews' English King's Bench Reports; Anderson's English Common Pleas Reports.

And. Ch. W. Anderson on Church Wardens.

And. Com. Anderson's History of Commerce.

And. Cr. Law. Andrews on Criminal Law.

And. Dig. Andrews' Digest of the Opinions of the Attorneys-General.

And. L. & Cts. Andrews on United States Laws and Courts.

And. Law Dict. Anderson's Law Dictionary.

And. Man. Const. Andrews' Manual of the United States Constitution.

And. Pr. Lea. Andrews' Precedents of Leases.

And. Pr. Mort. Andrews' Precedents of Mortgages.

And. & Ston. J. A. Andrews & Stoney's Supreme Court of Judicature Acts.

Andr. Andrews' English King's Bench Reports; see also And., above.

Ang. Angell & Durfee's Reports (1 Rhode Island).

Ang. Adv. Enj. Angell on Adverse Enjoyment.

Digitized by Google

Ang. Ass. Angell on Assignment.

Ang. B. T. Angell on Bank Tax.

Ang. Car. Angell on Carriers.

Ang. Corp. Angell & Ames on Corporations.

Ang. Ins. Angell on Insurance.

Ang. Lim. Angell on Limitations of Actions.

Ang. T. W. Angell on Tide Waters.

Ang. Wat. Angell on Watercourses.

Ang. & A. Corp. Angell & Ames on Corporations.

Ang. & D. High. Angell & Durfee on Highways.

Ang. & Dur. Angell & Durfee's Reports (1 Rhode Island).

Ann. Queen Anne; see also Annaly, below.

Ann. C. Annals of Congress.

Ann. de Leg. Annuaire de Legislation Etrangere, Paris.

Ann. Ins. Annesley on Insurance.

Ann. Jud. Annuaire Judiciaire, Paris.

Ann. Reg. Annual Register, London.

Anon. Anonymous.

Ans. Con. Anson on Contracts.

Anst. Anstruther's English Exchequer Reports.

Anst. Eng. Law. Anstey's Guide to the English Law and Constitution.

Anst. Pl. Gui. Anstey's Pleader's Guide.

Anth. Anthon's New York Nisi Prius Reports.

Anth. Black. Anthon's Abridgment of Blackstone.

Anth. N. P. Anthon's New York Nisi Prius Reports.

Anth. Prec. Anthon's New Precedents of Declarations.

Auth. R. R. Cons. Anthony on Consolidation of Railroad Companies.

Anth. Ill. Dig. Anthony's Illinois Digest.

Anth. Shep. Anthon's edition of Sheppard's Touchstone.

Anth. St. Anthon's Study of Law.

Ap. Just. Apud Justinianum, or Justinian's Institutes.

App. Appeal; Appendix; Apposition; Appleton's Reports (19, 20 Maine).

App. Cas. Appeal Cases, English Law Reports.

App. Cas. Beng. Sevestre & Marshall's Bengal Reports.

App. Cas. D. C. Appeal Cases, District of Columbia.

App. Ct. Rep. Bradwell's Illinois Appeal Court Reports.

App. Ev. Appleton's Rules of Evidence.

App. Rep. Appeal Reports, Ontario.

Appleton. Appleton's Reports (19, 20 Maine).

Appx. Appendix.

Arbuth. Arbuthnot's Select Criminal Cases, Madras.

Digitized by Google

Arch. Court of Arches, England.

Arch. Arb. Archbold's Law of Arbitration and Award.

Arch. B. L. Archbold's Bankrupt Law.

Arch. Baines' Acts. Archbold on Baines' Acts on Criminal Justice.

Arch. Bank. Archbold's Bankruptcy Practice.

Arch. Black. Archbold's edition of Blackstone's Commentaries.

Arch. C. S. Pr. Archbold's Country Solicitor's Practice.

Arch. Civ. Pl. Archbold's Civil Pleading and Evidence.

Arch. C. L. Pr. Archbold's New Common Law Practice.

Arch. C. P. Archbold's Practice in the Common Pleas.

Arch. Cr. L. Archbold's Criminal Law.

Arch. Cr. Pl. Archbold's Criminal Pleading.

Arch. Cr. Prac. Archbold's Criminal Practice.

Arch. Cr. Proc. Archbold's Criminal Procedure.

Arch. Forms Ind. Archbold's Forms of Indictment.

Arch. J. C. Pr. Archibald on Practice of Judges' Chambers.

Arch. J. P. Archbold's Justice of the Peace.

Arch. K. B. Forms. Archbold's Forms in King's Bench and Common Pleas.

Arch. K. B. Pr. Archbold's King's Bench Practice.

Arch. L. & T. Archbold's Landlord and Tenant.

Arch. Lun. Archbold on Lunacy.

Arch. Mun. Corp. Archbold on Municipal Corporations.

Arch. N. P. Archbold's Nisi Prius.

Arch. P. C. Archbold's Pleas of the Crown.

Arch. P. C. P. Archbold's Practice in the Common Pleas.

Arch. P. (or Pr.) Ch. Archbold's Practice by Chitty.

Arch. Part. Archbold's Law of Partnership.

Arch. P. L. Cas. Archbold's Abridgment of Poor Law Cases.

Arch. P. L. Pr. Archbold's New Practice in Poor Law Removals and Appeals.

Arch. Pr. C. P. Archbold's Practice, Common Pleas.

Arch. Pr. Q. S. Archbold's Practice in Quarter Sessions.

Arch. Sum. Archbold's Summary of the Law of England.

Archer & Hogue. Archer & Hogue's Reports (2 Florida).

Arg. Arguendo, in arguing; Arguments.

Arg. Inst. Institution au Droit Francais, par M. Argon.

Arg. Rep. Reports printed in the Melbourne Argus, Australia.

Ariz. Arizona.

Ark. Arkansas Reports; Arkley's Scotch Justiciary Reports.

Ark. L. J. Arkansas Law Journal, Fort Smith.

Digitized by Google

Arms. Con. Elec. Armstrong's New York Contested Elections.

Arms. M. & O. Armstrong, Macartney & Ogle's Irish Nisi Prius Reports.

Arms. Tr. Armstrong's Limerick Trials, Ireland.

Arn. Arnold's English Common Pleas Reports; Arnot's Criminal Trials, Scotland.

Arn. Ins. Arnold's Marine Insurance.

Arn. Mun. Cor. Arnold's Municipal Corporations.

Arn. Pub. Meet. Arnold on the Law of Public Meetings.

Arn. & Hod. Arnold and Hodges' English Queen's Bench Reports.

Arun. Mines. Arundell on the Law of Mines.

Ash. (or **Ashm.**) Ashmead's Pennsylvania Reports.

Ashe. Ashe's Tables to the Year Books (or to Coke's Reports; or to Dyer's Reports).

Ashton. Ashton's Opinions of the United States Attorneys-General.

Aso. See Asso.

Asp. Cas. (or **Rep.**) English Maritime Law Cases, New Series, by Aspinall.

Ass. Liber Assissarum, Book of Assizes.

Ass. Jerus. Assizes of Jerusalem.

Ass. Reg. Da. Assisa Regis David.

Asso. & Man. Asso. & Manuel's Institutes of Spanish Civil Law.

Ast. Ent. Aston's Entries.

Atch. Atchison's English Navigation and Trade Reports.

Ath. Mar. Set. Atherley on Marriage Settlements.

Atk. Atkyn's English Chancery Reports.

Atk. Ch. Pr. Atkinson's Chancery Practice.

Atk. Con. Atkinson on Conveyancing.

Atk. P. T. Atkyn's Parliamentary Tracts.

Atk. Sher. Atkinson on Sheriff Law.

Atk. Titles. Atkinson on Marketable Titles.

Atl. Rep. Atlantic Reporter.

Ats. At suit of.

Atty. Attorney.

Atty.-Gen. Attorney-General.

Atwater. Atwater's Reports (in 1 Minnesota).

Aust. Austin's English County Court Cases; Australia.

Aust. Jur. Austin's Lectures on Jurisprudence; Australian Jurist.

Aust. Jur. Abr. Austin's Lectures on Jurisprudence Abridged.

Aust. L. T. Australian Law Times.

Austin C. C. Austin's English County Court Reports.

Av. & H. B. L. Avery & Hobbs' Bankrupt Law.

Ayck. Ch. F. Ayckbourn's Chancery Forms.

Digitized by Google

Ayck. Ch. Pr. Ayckbourn's Chancery Practice.

Ayck. Jur. Ayckbourn's Jurisdiction of the Supreme Court of Judicature.

Ayl. Int. Ayliffe's Introduction to the Calendar of Ancient Charters.

Ayl. Pand. Ayliffe's Pandect of the Roman Civil Law.

Ayl. Par. Ayliffe's Parergon Juris Cananici Anglicani.

Ayr. Land Tr. Ayrton's Land Transfer Act.

Az. Mar. Law. Azuni's Maritime Law.

B.

B. Back (A., front) of a leaf; Barbour's Session Laws, New York; Bancus; Bench; the Common Bench; Book.

B. A. Bachelor of Arts.

B. B. Bail Bond; Bailey on Bills; Ball on National Banks.

B. Bar. Bench and Bar (Chicago).

B. C. Bail Court; Bankruptcy Cases; Bell's Commentaries on Laws of Scotland.

B. C. C. Brown's Chancery Cases; Bail Court Cases (Lowndes & Maxwell).

B. C. R. Bail Court Reports (Saunders & Cole) (or Lowndes & Maxwell).

B. C. T. Bell on Completing Titles, Scotland.

B. Ch. Barbour's Chancery Reports, New York.

B. D. & O. Blackham, Dundas & Osborne's Nisi Prius Reports, Ireland.

B. E. Baron of the Exchequer.

B. Ecc. L. Burn's Ecclesiastical Law.

B. Just. Burn's Justice of the Peace.

B. L. Bachelor of Laws; Bell on Leases.

B. L. R. Bengal Law Reports.

B. L. T. Baltimore Law Transcript, Baltimore, Md.

B. M. Burrow's Reports (temp.) Mansfield.

B. Mon. Ben Monroe's Reports, Kentucky.

B. N. C. Bingham's New Cases; English Common Pleas; Brooke's New Cases, English King's Bench; Busbee's N. C. Law Reports.

B. N. P. Buller's Law of Nisi Prius.

B. P. C. Brown's Cases in Parliament.

B. P. L. Cases. Bott's Poor Law Cases.

B. P. N. R. Bosanquet & Puller's New Reports; English Common Pleas.

B. R. Bancus Regis, or King's Bench; Bankruptcy Reports; Bankruptcy Register, New York.

B. R. Act. Booth's Real Action.

B. R. H. Cases in King's Bench (temp.) Hardwicke.

Digitized by Google

B. Reg. Bankrupt Register, New York.

B. S. Bancus Superior, or Upper Bench.

B. Tr. Bishop's Trial.

B. & A. Barnewall & Adolphus' English King's Bench Reports; Barnewall & Alderson's English King's Bench Reports; Barron & Arnold's English Election Cases; Barron & Austin's English Election Cases; Banning & Arden's Patent Reports.

B. & Ad. Barnewall & Adolphus' English King's Bench Reports.

B. & Ald. Barnewall & Alderson's English King's Bench Reports.

B. & Arn. Barron & Arnold's English Election Cases.

B. & Aust. Barron & Austin's English Election Cases.

B. & B. Broderip & Bingham's English Common Pleas Reports; Ball & Beatty's Irish Chancery Reports; Bench & Bar (periodical), Chicago.

B. & C. Barnewall & Creswell's English King's Bench Reports.

B. & D. Bioren & Duane's United States Laws.

B. & H. Blatchford & Howland's United States District Court Reports.

B. & H. Black. Broom & Hadley's Blackstone.

B. & H. Dig. Bennett & Heard's Massachusetts Digest.

B. & H. Lead. Ca. Bennett & Heard's Leading Criminal Cases.

B. & I. Bankruptcy and Insolvency Cases.

B. & L. Browning & Lushington's English Admiralty Reports.

B. & L. Pr. Bullen & Leake's Precedents of Pleading.

B. & P. Bosanquet & Puller's English Common Pleas Reports.

B. & P. N. R. Bosanquet & Puller's New Reports.

B. & S. Best & Smith's English Queen's Bench Reports.

Ba. & Be. Ball & Beatty's Irish Chancery Reports.

Bab. Auc. Babington's Law of Auctions.

Bab. Set-Off. Babington's Law of Set-Off.

Bac. Abr. Bacon's Abridgment.

Bac. Ca. Bacon's Case of Treason, 1641.

Bac. Comp. Arb. Bacon's Complete Arbitration.

Bac. Dig. Bacon's Georgia Digest.

Bac. El. Bacon's Elements of the Common Law.

Bac. Gov. Bacon on Government.

Bac. Law Tr. Bacon's Law Tracts.

Bac. Lease. Bacon on Leases and Terms of Years.

Bac. Lib. Reg. (or **T. E.**) Bacon's Liber Regis, vel Thesaurus Rerum Ecclesiasticarum.

Bac. Max. Bacon's Maxims of the Law.

Bac. Uses. Bacon's Essay on Uses.

Bache Pa. Just. Bache's Pennsylvania Justice's Manual.

Back. Sher. Backus on Sheriffs.

Bag. Ch. Pr. Bagley's Common Law Chambers' Practice.

Digitized by Google

Bag. Eng. Const. Bagehot's English Constitution.

Bagl. Bagley's Reports (16 California).

Bagl. & Har. Bagley & Harman's Reports (17-19 California).

Bai. (or Bail.) Bailey's Law Reports, South Carolina.

Bai. (or Bail.) Eq. Bailey's Equity Reports, South Carolina.

Bail. Ct. Cas. Lowndes & Maxwell's English Bail Court Cases.

Bail. Ct. Rep. Saunders & Cole's English Bail Court Reports; Lowndes & Maxwell's English Bail Court Cases.

Baill. Inher. Baillie's Mohammedan Law of Inheritance.

Bailm. Bailments.

Bainb. M. & M. Bainbridge on the Law of Mines and Minerals.

Bak. Bur. Baker on the Law relating to Burials.

Bak. Corp. Baker's New York Corporation Laws.

Bak. Health L. Baker's Health Laws.

Bak. Highw. Baker's Law of Highways.

Bak. Quar. Baker's Law of Quarantine.

Bak. Railw. Baker's Law of Railways for Travellers, &c.

Bal. Lim. Ballantine on Limitations.

Bald. Baldwin's United States Circuit Court Reports; Baldus (Commentator on the Code); Baldasseroni (on Maritime Law).

Bald. App. 11 Pet. Baldwin's Appendix to 11 Peters (see n. 7, p. 4).

Bald. Conn. Dig. Baldwin's Connecticut Digest.

Ball Banks. Ball on National Banks.

Ball Conv. Ball's Popular Conveyancer.

Ball Dig. Ball's Digest of the Common Law.

Ball Ind. Ball's Index to Irish Statutes.

Ball Lim. Ballantine on Limitations.

Ball St. Guide. Ball's Student's Guide to the Bar.

Ball & B. Ball & Beatty's Irish Chancery Reports.

Balt. L. T. Baltimore Law Transcript.

Banc. Sup. Bancus Superior, or Upper Bench.

Bank. Bankruptcy; Bankruptcy Court.

Bank. Ct. Rep. Bankrupt Court Reporter, New York.

Bank. Gaz. Bankruptcy Gazette.

Bank. Inst. Bankton's Institutes of Scottish Law.

Bank. Mag. Banker's Magazine, New York or London.

Bank. Reg. Bankruptcy Register.

Bank. Rep. American Law Times Bankruptcy Reports.

Bank. & Ins. R. Bankruptcy and Insolvency Reports, English.

Banks. Banks' Reports (1-5 Kansas).

Digitized by Google

Bann. Br. Bannister's edition of O. Bridgman's English C. P. Reports.

Bann. & Ard. Banning & Arden's Patent Cases.

Bann. Lim. Banning on Limitation of Actions.

Bar. Barnardiston's English King's Bench Reports; Bar Reports in all the Courts, English; Barbour, see Barb.

Bar. Anc. Stat. Barrington's Ancient Statutes.

Bar. Chy. Barnardiston's English Chancery Reports.

Bar. Dig. Barclay's Digest of Scotch Law.

Bar. Eq. Barton's Suit in Equity.

Bar Ex. Jour. Bar Examination Journal, London.

Bar. N. Barnes' Notes, English Common Pleas Reports.

Bar. Ob. Stat. Barrington's Observations on the Statutes.

Bar. Prec. Conv. Barton's Precedents in Conveyancing.

Bar. & Ad. Barnewall & Adolphus, English King's Bench Reports.

Bar. & Al. Barnewall & Alderson's English King's Bench Reports.

Bar. & Arn. Barron & Arnold's English Election Cases.

Bar. & Aust. Barron & Austin's English Election Cases.

Bar. & Cr. Barnewall & Creswell's English King's Bench Reports.

Barb. Barbour's Supreme Court Reports, New York; Barber's Reports (14-24 Arkansas).

Barb. Abs. Barbour's Abstracts of Chancellor's Decisions, New York (or the Saratoga Chancery Sentinel).

Barb. Ch. Barbour's New York Chancery Reports.

Barb. Ch. Pr. Barbour's Chancery Practice.

Barb. Cr. L. Barbour's Criminal Law.

Barb. Cr. P. Barbour's Criminal Pleadings.

Barb. Gro. Barbeyrac's edition of Grotius on War and Peace.

Barb. Ins. Barber on Insurance.

Barb. Par. Barbour on Parties in Law and Equity.

Barb. Puf. Barbeyrac's edition of Puffendorf's Law of Nature and Nations.

Barb. Set-Off. Barbour on the Law of Set-off.

Barber. Barber's Reports (14-24 Arkansas).

Barc. Dig. Law Sc. Barclay's Digest of the Law of Scotland.

Barc. Dig. (or Leg. Man.) Barclay's Digest, or Legislative Manual of Congress.

Barc. High. Barclay's Laws of Highways.

Barc. Mo. Dig. Barclay's Missouri Digest.

Barh. Pre. Ex. Barham's Student's Guide to the Preliminary Examinations.

Barl. Just. Barlow's Justice of the Peace.

Digitized by Google

Barn. Barnardiston's English King's Bench Reports; Barn's English Common Pleas Reports.

Barn. Ch. Barnardiston's English Chancery Reports.

Barn. Ex. Pr. Barnes' Equity Practice.

Barn. No. Barnes' Notes of Cases, English Common Pleas.

Barn. Pr. M. Barnstaple's Printed Minutes and Proceedings.

Barn. Sh. Barnes' Sheriff.

Barn. & Ad. Barnewall & Adolphus' English King's Bench Reports.

Barn. & Ald. Barnewall & Alderson's English King's Bench Reports.

Barn & Cr. Barnewall & Cresswell's English King's Bench Reports.

Barnet. Barnet's English Central Criminal Courts Reports, Vols. 27-92.

Baron Ch. Mort. Baron on Chattel Mortgages.

Barr. Barr's Reports (1-10 Pennsylvania State); Barry, see Barry.

Barr. Ch. Pr. Barroll's Maryland Chancery Practice.

Barr. Ob. (or Stat). Barrington's Observations on the Statutes.

Barr. Ten. Barry on Tenures.

Barr. & Arn. Barron & Arnold's English Election Cases.

Barr. & Aus. Barron & Austin's English Election Cases.

Barron Mir. Barron's Mirror of Parliament.

Barry Ch. Jur. Barry's Chancery Jurisdiction.

Barry Ch. Pr. Barry's Chancery Practice in Ireland.

Barry Conv. Barry's Conveyancing.

Barry Forms Conv. Barry on Forms and Precedents in Conveyancing.

Barry Ten. Barry on Tenures.

Bart. Conv. Barton's Elements of Conveyancing.

Bart. El. Cas. Bartlett's Congressional Election Cases.

Bart. Eq. Barton's Suit in Equity.

Bart. Ind. Bartlett's Index of the Laws of Rhode Island.

Bart L. Pr. Barton's Law Practice.

Bart. Max. Barton's Maxims in Conveyancing.

Bart. Mines. Bartlett on the Law of Mines.

Bart. Prec. Conv. Barton's Precedents in Conveyancing.

Bass. Crim. Pl. Bassett's Illinois Criminal Pleading and Practice.

Bat. Dig. Battle's North Carolina Digest.

Bat. Sp. Perf. Batten on Specific Performance.

Bat. Stat. Battle's Revised Statutes of North Carolina, 1873.

Batch. Mfg. Cor. Batchelder's Law of Massachusetts Manufacturing Corporations.

Bate. Ag. Bateman on Agency.

Bate. Auct. Bateman on the Law of Auctions.

Bate. Com. L. Bateman's Commercial Law.

Digitized by Google

Bate. Const. Bateman's United States Constitutional Law.

Bate. Exc. Bateman on the Laws of Excise.

Bates. Bates' Delaware Chancery Reports.

Batt. Batty's Irish King's Bench Reports.

Bax. Baxter's Reports, Tennessee.

Bax. Jud. Acts. Baxter on Judicature Acts and Rules.

Bay. Bay's South Carolina Reports; Bay's Reports (1-3 and 5-8 Missouri).

Bay. Bills. Bayley on Bills and Notes.

Bay. Cons. Bayard on the Constitution of the United States.

Bay. Dig. Ind. Baylie's Digested Index of English and American Reports.

Bay. Dom. Serv. Baylies on Domestic Servants.

Bay. Ev. Bayard on Evidence.

Bay. Q. & A. Baylie's Questions and Answers for Law Students.

Bayl. B. Bayley on Bills.

Bayl. Ch. Pr. Bayley's Chancery Practice.

Bayl. Com. Bayley's Commentaries on the Laws of England.

Bayl. F. & R. Bayley on Fines and Recoveries.

Bch. on Mo. & Trsts. Beach on Monopolies and Trusts.

Bea. Bank. Beames' Commitments in Bankruptcy.

Bea. Costs (or C. E.) Beames' Costs in Equity.

Bea. Eq. Pl. Beames' Equity Pleading.

Bea. Ne Ex. Beames on the Writ of Ne Exeat Regno.

Bea. Ord. Beames' Orders in Chancery.

Bea. Pl. Eq. Beames' Pleas in Equity.

Beam. Beames, see Bea.

Beas. Beasley's New Jersey Chancery Reports.

Beat. Beatty's Irish Chancery Reports.

Beau. Bills. Beaumont on Bills of Sale.

Beau. Ins. Beaumont on Insurance.

Beav. Beavan's English Rolls Court Reports.

Beav. O. C. Beavan's Ordines Cancellariæ.

Beav. R. & C. Cas. English Railway and Canal Cases, by Beavan and others.

Bec. Cr. Beccaria on Crimes and Punishments.

Bech. Hist. Bechard, Historie du Droit Municipal.

Beck Med. Jur. Beck's Medical Jurisprudence.

Bed. Dr. Comm. Bedarride, Droit Commercial.

Bee. (or Bee. Adm.) Bee's United States District Court Reports.

Bee. Anal. Beebee's Analysis of Common Law Practice.

Bel. Bellewe's English King's Bench Reports; Bellasis' Bombay Reports; Beling's Ceylon Reports.

Digitized by Google

Bel. Ca. t. H. VIII. Bellewe's Cases, Henry VIII. (Brooke's New Cases).

Bel. Prob. Belknap's Probate Law of California.

Beling. Beling's Ceylon Reports.

Beling & Van. Beling & Vanderstraaten's Ceylon Reports.

Bell. Bell's English Crown Cases Reserved; Bell's Scotch Appeal Cases; Bell's Scotch Session Cases; Bell's Calcutta Reports; Bellewe's English King's Bench Reports; Brooke's New Cases, by Bellewe; Bellinger's Reports (4-8 Oregon); Bellasis' Bombay Reports.

Bell App. Cas. Bell's Scotch House of Lords (Appeal) Cases.

Bell Arb. Bell's Law of Arbitration in Scotland.

Bell Aw. Bell's Law of Awards.

Bell C. C. Bell's English Crown Cases Reserved; Bellasis' Civil Cases, Bombay; Bellasis' Criminal Cases, Bombay.

Bell C. H. C. Bell's Reports Calcutta High Court.

Bell Cas. Bell's Cases, Scotch Court of Session.

Bell. Cas. t. H. VIII. Brooke's New Cases (collected by Bellewe).

Bell. Cas. t. R. II. Bellewe's English King's Bench Reports (time of Richard II).

Bell Comm. Bell's Commentaries on the Law of Scotland.

Bell C. T. Bell on Completing Titles, Scotland.

Bell Cr. Ca. Bell's English Crown Cases Reserved; Bellasis' Criminal Cases, Bombay.

Bell Deeds. Bell's System of the Forms of Deeds in Scotland.

Bell. Del. Beller's Delineations of Universal Law.

Bell Dict. Bell's Dictionary and Digest of the Laws of Scotland.

Bell Dict. Dec. Bell's Dictionary of Decisions, Court of Session, Scotland.

Bell Elec. Bell on the Election Law of Scotland.

Bell Ex. Bell on Excise.

Bell Exp. Test. Bell on Expert Testimony.

Bell fol. Bell's folio Reports, Scotch Court of Session.

Bell H. C. Bell's Reports, High Court of Calcutta.

Bell H. L. Bell's House of Lords Cases, Scotch Appeals.

Bell H. W. Bell on Law of Property arising from the Relation of Husband and Wife.

Bell Illust. Bell's Illustrations of Principles.

Bell L. & T. Bell on Landlord and Tenant (Bengal).

Bell Leas. Bell on Leases, Scotland.

Bell oct. (or 8vo.) Bell's octavo Reports, Scotch Court of Session.

Bell P. C. Bell's Cases in Parliament, Scotch Appeals.

Bell Prin. Bell's Principles of the Law of Scotland.

Digitized by Google

Bell Put. Mar. Bell's Putative Marriage Case, Scotland.

Bell S. Bell on Sales.

Bell Scot. Dig. Bell's Scottish Digest.

Bell Ses. Cas. Bell's Cases in the Scotch Court of Session.

Bell T. D. Bell on the Testing of Deeds, Scotland.

Bell. U. L. Beller's Delineation of Universal Law.

Bellas. Bellasis' Criminal (or Civil) Cases, Bombay.

Bellewe. Bellewe's English King's Bench Reports.

Bellewe t. H. VIII. Brooke's New Cases (collected by Bellewe).

Bellingh. Tr. Report of Bellingham's Trial.

Belt Bro. Belt's edition of Brown's Chancery Reports.

Belt Sup. Belt's Supplement to Vesey Senior's English Chancery Reports.

Belt Ves. Sen. Belt's edition of Vesey Senior's English Chancery Reports.

Ben. Benedict's United States District Court Reports.

Ben. Adm. Benedict's American Admiralty Practice.

Ben. Av. (Stephens &) Benecke on Average.

Ben. F. I. Cas. Bennett's Fire Insurance Cases.

Ben. Ins. Benecke on Marine Insurance.

Ben. Just. (or **J. P.**) Benedict's New York Civil and Criminal Justice.

Ben. & Dal. Benloe & Dalison's English Common Pleas Reports.

Ben. & H. L. C. Bennett & Heard's Leading Criminal Cases.

Bench & B. Bench and Bar, Periodical, Chicago.

Bendl. Bendole, see Benl.

Bened. Benedict's United States District Court Reports.

Benet Ct.-M. Benet on Military Law and Courts-Martial.

Beng. L. R. Bengal Law Reports, India.

Beng. S. D. A. Bengal Sudder Dewanny Adawlut Reports.

Benj. Sa. Benjamin on Sales.

Benl. Benloe's or Bendloe's English King's Bench Reports.

Benl. in Ashe. Benloe at the end of Ashe's Tables.

Benl. in Keil. Benloe or Bendloe in Keilway's Reports.

Benl. New. Benloe's Reports, English King's Bench.

Benl. Old. Benloe of Benloe & Dalison, English Common Pleas Reports.

Benl. & Dal. Benloe & Dalison's Common Pleas Reports.

Benn. Farm. Bennett's Rights and Liabilities of Farmers.

Benn. F. I. Cas. Bennett's Fire Insurance Cases.

Benn. Pr. M. C. Bennett's Dissertation on Practice of Masters in Chancery.

Benn. Rec. Bennett on Receivers.

Benn. & H. Cr. Cas. Bennett & Heard's Leading Criminal Cases.

Benn. & H. Dig. Bennett and Heard's Massachusetts Digest.

Benne. Reporter of Vol. 7 Modern Reports.

Digitized by Google

Bennett. Bennett's Reports (1 California); Bennett's Reports (1 Dakota); Bennett's Reports (16-21 Missouri).

Bent. Abr. Benton's Abridgment of the Debates of Congress.

Bent. Cod. Bentham's Codification.

Bent. Const. Code. Bentham's Constitutional Code for all Nations.

Bent. Ev. (or **Jud. Ev.**) Bentham's Judicial Evidence.

Bent. Mor. & Leg. Bentham's Principles of Morals and Legislation.

Bent. Pack. Jur. Bentham on the Art of Packing, as applied to Special Juries.

Bent. Pun. Bentham's Rationale of Punishment.

Bent. The. Leg. Bentham's Theory of Legislation.

Bentl. Att.-Gen. Bentley's United States Attorneys-General's Opinions.

Ber. Berton's New Brunswick Reports.

Berm. Bermuda.

Berry. Berry's Reports (1-9 Missouri Court of Appeals).

Bess. Prec. Besson's New Jersey Precedents.

Best Beg. & Rep. Best on the Right to Begin and Reply.

Best Ev. Best on Evidence.

Best Jur. Tr. Best on Trial by Jury.

Best Law Dic. Best's Law Dictionary.

Best Pres. Best on Presumption of Law and Fact.

Best & Sm. Best and Smith's English Queen's Bench Reports.

Betts' Adm. Pr. Betts' Admiralty Practice.

Betts' Dec. Blatchford & Howland's United States District Court Reports (see n 5, p. 11); Olcott's United States District Court Reports.

Bev. Emp. L. Bevin on Employer's Liability for Negligence of Servants.

Bev. Hom. Bevil on Homicide.

Bew. & N. Pr. Bewley & Naish on Common Law Procedure.

Bibb. Bibb's Reports, Kentucky.

Bick. Civ. Pr. Bicknell's Indiana Civil Practice.

Bick. Cr. Pr. Bicknell's Indiana Criminal Practice.

Bick. & Hawl. Bicknell & Hawley's Reports (10 Nevada).

Bid. Retr. Led. Biddle on Retrospective Legislation.

Bid. St. Br. Biddle on the Law of Stock Brokers.

Bid. Tab. Stat. Biddle's Table of Statutes.

Big. Bignell's Reports, India.

Big. B & B. Bigelow's Bench and Bar of New York.

Big. & N. Bigelow's Cases on Bills and Notes.

Big. Cas. Bigelow's Cases, William I. to Richard I.

Big. Cas. B. & N. Bigelow's Cases on Bills and Notes.

Digitized by Google

Big. Cas. Torts. Bigelow's Leading Cases in Torts.

Big. Eng. Proc. Bigelow's English Procedure.

Big. Eq. Bigelow on Equity.

Big. Est. Bigelow on Estoppel.

Big. Fr. Bigelow on Frauds.

Big. Jarm. Wills. Bigelow's edition of Jarman on Wills.

Big. L. I. Cas. Bigelow's Life and Accident Insurance Cases.

Big. Lead. Cas. Bigelow's Leading Cases in Bills and Notes; Torts; or Wills.

Big. Ov. Cas. Bigelow's Overruled Cases.

Big. Plac. Bigelow's Placita Anglo-Normannica.

Big. Proc. Bigelow's English Procedures.

Big. Torts. Bigelow on Torts.

Bigg Cr. L. Bigg's Criminal Law.

Bigg R. R. Acts. Bigg on Acts Relating to Railways.

Bign. Bignell's Indian Reports.

Bil. Aw. Billing's Law of Awards.

Bil. Pews. Billing's Laws Relating to Pews.

Bil. & Pr. Pat. Billing's & Prince's Law and Practice of Patents.

Bill. Billing, see Bil.

Bilot Extrad. Billot, Traite de l'Extradition.

Bin. Binney's Pennsylvania Reports.

Bing. Bingham's English Common Pleas Reports.

Bing. Act. & Def. Bingham's Actions and Defenses in Real Property.

Bing. Des. Bingham on the Laws of Descent.

Bing. Ex. Bingham on Executions and Judgments.

Bing. Ex. Cont. Bingham's Executory Contracts, &c.

Bing. Inf. Bingham on Infancy.

Bing. Judg. Bingham on Executions and Judgments.

Bing. L. & T. Bingham's Landlord and Tenant.

Bing. N. C. Bingham's New Cases, English Common Pleas.

Bing. R. P. Bingham on the Law of Real Property.

Bing. & Colv. Rents. Bingham & Colvin on Rents.

Binm. Ind. Binmore's Index-Digest of Michigan Reports.

Binn. Binney's Pennsylvania Reports.

Binn Jus. Binn's Pennsylvania Justice.

Bior. & D. Laws. Bioren & Duane's United States Laws.

Bird Conv. Bird on Conveyancing.

Bird L. & T. Bird on Landlord and Tenant.

Bird Sol. Pr. Bird's Solution of Precedents of Settlements.

Bird Supp. Bird's Supplement to Barton's Conveyancing.

Bish. Burr. Bishop's edition of Burrill on Assignments.

Bish. Con. Bishop on Contracts.

Digitized by Google

Bish. Cr. L. Bishop on Criminal Law.

Bish. Cr. Proc. Bishop on Criminal Procedure.

Bish. First Bk. Bishop's First Book of the Law.

Bish. Ins. Bishop on Insolvent Debtors.

Bish. Mar. & Div. Bishop on Marriage and Divorce.

Bish. Mar. Wom. Bishop on Married Woman.

Bish. Noll. Pros. Bishop's Law of Nolle Prosequi.

Bish. Stat. Cr. Bishop on Statutory Crimes.

Bish. Wr. L. Bishop on the Written Law.

Bisp. Eq. Bispham's Principles of Equity.

Biss. Bissell's United States Circuit Court Reports.

Biss. Est. Bisset on Estates for Life.

Biss. Part. Bisset on Partnership.

Biss. Stat. Bissell's Minnesota Statutes.

Bitt. Pr. Case. Bittlestone's Practice Cases, Judicature Act.

Bitt. W. & P. Bittleston, Wise & Parnell's Reports (2, 3 New Practice Cases).

Bk. Book; Black's United States Supreme Court Reports.

Bk. Judg. Book of Judgments by Townshend.

Bl. Black's United States Supreme Court Reports; Blatchford's United States Circuit Court Reports; Blackford's Indiana Reports; Blount's Law Dictionary; Henry Blackstone's English Common Pleas Reports; W. Blackstone's English King's Bench Reports; Blackstone's Commentaries.

Bl. B. Adm. Twiss' Black Book of the Admiralty.

Bl. C. C. Blatchford's United States Circuit Court Reports.

Bl. Chy. Pr. Blake's Chancery Practice.

Bl. Com. Blackstone's Commentaries.

Bl. D. Blount's Law Dictionary.

Bl. D. & O. Blackham, Dundas & Osborne's Irish Nisi Prius Reports.

Bl. Emp. L. Black on Employers' Liability.

Bl. H. Henry Blackstone's English Common Pleas Reports.

Bl. L. D. Blount's Law Dictionary.

Bl. L. T. Blackstone's Law Tracts.

Bl. Pr. Cas. Blatchford's Prize Cases.

Bl. R. (or **Bl. W.**) Sir William Blackstone's English King's Bench Reports.

Bl. T. T. Blackwell on Tax Titles.

Bl. Ti. Block on Tithes.

Bl. & H. Blatchford & Howland's United States District Court Reports.

Bl. & Hedge. Blake & Hedge's Montana Reports.

Bl. & W. Mines. Blanchard & Weeks' Leading Cases on Mines.

Digitized by Google

Bla. Black, see Bl.; Blackstone, see Black.

Bla. Ch. Bland's Maryland Chancery Reports.

Bla. Com. Blackstone's Commentaries.

Bla. H. Henry Blackstone's English Common Pleas Reports.

Bla. Life Ass. Blayney's Life Assurance.

Bla. W. Sir William Blackstone's Reports, English King's Bench.

Black. Black's United States Supreme Court Reports; Black's Reports (30-53 Indiana); H. Blackstone's English Common Pleas Reports; W. Blackstone's English King's Bench Reports; Blackford's Indiana Reports.

Black. Abr. Blackstone's Commentaries, Abridged.

Black. Anal. Blackstone's Analysis of the Laws of England.

Black Bk. Adm. Twiss' Black Book of the Admiralty.

Black. Com. Blackstone's Commentaries on the Laws of England.

Black. Cond. Rep. Blackwell's Condensed Illinois Reports.

Black. D. & O. Blackham, Dundas & Osborne's Irish Nisi Prius Reports.

Black Emp. Li. Black on Employer's Liability.

Black. H. Henry Blackstone's English Common Pleas Reports.

Black. Just. Blackerby's Justice of the Peace.

Black Law Dic. Black's Law Dictionary.

Black. L. Tr. Blackstone's Law Tracts.

Black. Mag. Ch. Blackstone on Magna Charta.

Black R. Black's United States Supreme Court Reports; W. Blackstone's English King's Bench Reports.

Black. Sal. Blackburn on Sales.

Black. Tax Tit. Blackwell's Tax Titles.

Black. W. William Blackstone's English King's Bench Reports.

Blackf. Blackford's Indiana Reports.

Blackst. Blackstone, see Black.

Blackw. Cond. Blackwell's Condensed Reports, Illinois.

Blackw. Sc. Acts. Blackwell's Scotch Acts.

Blackw. T. T. Blackwell on Tax Titles.

Blair. Blair's Manual for Scotch Justices of the Peace.

Blake. Blake's Reports (1 Montana).

Blake Ch. Pa. Blake's Chancery Practice, New York.

Blan. Lim. Blanshard on Statute of Limitations.

Blanc. & W. L. C. Blanchard & Weeks' Leading Cases on Mines, &c.

Bland. Bland's Maryland Chancery Reports.

Bland's Ch. See Bland.

Blansh. Lim. Blanshard on Limitations.

Blatchf. Blatchford's United States Circuit Court Reports.

Digitized by Google

Blatchf. Pr. Cas. Blatchford's Prize Cases.

Blatchf. & H. Blatchford & Howland's United States District Court Reports.

Blax. Eng. Co. Blaxford's Codex Legum Anglicanum.

Blay. Ann. Blayney on Annuities.

Blay. Life Ins. Blayney on Life Insurance.

Bleckley. Bleckley's Reports (34, 35 Georgia).

Bli. Bligh's English House of Lords Reports.

Bli. N. S. Bligh's English House of Lords Reports, New Series.

Blick. Rev. Blickensderfer's Law Student's Review.

Bliss. Co. Pl. Bliss on Code Pleading.

Bliss Ins. Bliss on Life Insurance.

Bliss N. Y. Code. Bliss' Annotated New York Code.

Blk. on Rem. Black on Removal of Causes.

Bloom. Man (or Neg.) Cas. Bloomfield's Manumission (or Negro) Cases.

Blount Frag. Ant. Blount's Fragmenta Antiquitatis.

Blount L. D. Blount's Law Dictionary.

Blount Ten. Blount on Tenures.

Blount, Tr. Blount's Impeachment Trial.

Blum. B'k'cy. Blumenstiel's Bankruptcy.

Blunt. Mod. Volk. Bluntschli' Das Moderne Volkerrecht.

Bly. Us. Blydenburgh's Law of Usury.

Boh. Att. Bohun's Practising Attorney.

Boh. Curs. Can. Bohun's Cursus Cancellariæ.

Boh. Dec. Bohun's Declarations and Pleadings.

Boh. Eccl. Jur. Bohun on Ecclesiastical Jurisdiction.

Boh. Eng. L. Bohun's English Lawyer.

Boh. Inst. Leg. Bohun's Institutio Legalis.

Boh. Priv. Lond. Bohun's Privilegia Londini.

Boh. Ti. Bohun on the Law of Tithes.

Bomb. H. Ct. Bombay High Court Reports.

Bomb. Ser. Bombay Series, Indian Law Reports.

Bon. Ins. Bonney on Insurance.

Bon. R. R. Car. Bonney on Railway Carriers.

Bond. Bond's United States Circuit Court Reports.

Bone Prec. Bone's Precedents in Conveyancing.

Bonn. Car. Bonney on Railway Carriers.

Bonn. Ins. Bonney on Insurance.

Boo. R. Act. Booth on Real Actions.

Books S. Books of Sederunt.

Boone Corp. Boone on Corporations.

Booraem. Booraem's Reports (6-8 California).

Digitized by Google

Boote Act. Boote's Action at Law.

Boote Ch. Pr. Boote's Chancery Practice.

Boote S. L. Boote's Suit at Law.

Booth Ind. Of. Booth's Indictable Offences.

Booth R. Acts. Booth's Real Actions.

Booth Wills. Booth's Law of Wills.

Bor. L. of Pa. Borough Law of Pennsylvania.

Borth. Borthwick on Libel and Slander.

Bos. Bosworth's New York Superior Court Reports.

Bos. Pl. Bosanquet's Rules of Pleading.

Bos. & D. Lim. Bosanquet & Darby's Limitations.

Bos. & Pul. Bosanquet & Puller's English Common Pleas Reports.

Bos. & Pul. N. R. Bosanquet & Puller's New Reports, English Common Pleas.

Bosc. Con. Boscawen on Convictions.

Bost. Law Rep. Boston Law Reporter.

Bost. Pol. Rep. Boston Police Court Reports.

Bosw. Bosworth's New York Superior Court Reports.

Bott (or **Bott P. L. Cas.**) Bott's Poor Law Cases.

Bott P. L. Const. Const's edition of Bott's Poor Law Cases.

Bott Set. Cas. Bott's Poor Law (Settlement) Cases.

Bou. Dic. Bouvier's Law Dictionary.

Bou. Inst. Bouvier's Institutes of American Law.

Bouch. Ins. Dr. Mar. Boucher, Institutes au Droit Maritime.

Boul. P. Dr. Com. Boulay-Paty, Cours de Droit Commercial Maritime.

Bouln. Boulnois' Reports, Bengal.

Bourd. L. T. Bourdin on the Land Tax.

Bourke. Bourke's Reports, Calcutta High Court.

Bourke Lim. Bourke on the Indian Law of Limitations.

Bousq. Dict. de Dr. Bousquet Dictionnaire de Droit.

Bout. Man. Boutwell's Manual of the United States Tax System.

Bouv. Inst. Bouvier's Institutes of American Law.

Bouv. Inst. Th. Institutiones Theologicæ, auctore J. Bouvier.

Bouv. Bouvier's Law Dictionary.

Bow. Com. Bowyer's Commentaries on Universal Public Law.

Bow. Cons. Law. Bowen's Constitutional Law of England.

Bow. Civ. Law. Bowyer's Modern Civil Law.

Bow. Int. Bowyer's Introduction to Civil Law.

Bow. Pub. Law. Bowyer's Universal Public Law.

Bowl. Lib. Bowles on Libel.

Bowy. Bowyer, see Bow.

Boy. Char. Boyle's Law of Charities.

Digitized by Google

Boyce U. S. Pr. Boyce's Practice in the United States Courts.

Boyd Adm. Boyd's Admiralty Law, Ireland.

Boyd Jus. Boyd's Justice of the Peace.

Boyd Sh. Boyd's Merchant Shipping Law.

Boyle Act. Boyle's Precis of an Action at Common Law.

Boyle Char. Boyle's Law of Charities.

Boys Cor. Boys on Coroners.

Br. Bracton; Bradford; Bradwell; Brayton; Breese; Brevard; Brewster; Bridgman; Brightly; British; Britton; Brockenbrough; Brooke; Broom; Brown; Brownlow; Bruce; see below, especially under Bro.

Br. Abr. Brooke's Abridgment.

Br. Brev. Jud. Brownlow's Brevia Judicialia, etc.

Br. Bur. British Burmah.

Br. C. C. British (or English) Crown Cases (American Reprint); Brown's Chancery Cases, English.

Br. Col. British Columbia.

Br. Com. Broom's Common Law.

Br. Cons. Law. Broom's Constitutional Law.

Br. Cr. Ca. British (or English) Crown Cases (American Reprint).

Br. Fed. Dig. Brightly's Digest of Federal Decisions.

Br. Leg. Max. Broom's Legal Maxims.

Br. Not. Brooke's Office of a Notary.

Br. N. C. Brooke's New Cases, English King's Bench.

Br. on Tr. Mks. Brown on Trade Marks.

Br. Par. Brown's Parties to Actions.

Br. P. C. Brown's English Parliamentary Cases.

Br. Phil. Law. Broom's Philosophy of Law.

Br. Reg. Braithwaite's Register.

Br. Sup. Brown's Supplement to Morrison's Dictionary, Session Cases, Scotland.

Br. Syn. Brown's Synopsis of Decisions, Scotch Court of Sessions.

Br. & Fr. Broderick & Fremantle's Ecclesiastical Cases, English.

Br. & Gold. Brownlow & Goldesborough's English Common Pleas Reports.

Br. & Had. Broom & Hadley's Commentaries on the Laws of England.

Br. & L. Browning & Lushington's English Admiralty Reports.

Br. & MacN. R. R. Cas. Browne & McNamara's (English) Railway & Canal Traffic Cases.

Bra. Bracton de Legibus, etc., Angliæ.

Bra. Cit. Brady's Historical Treatise on Cities.

Bra. Ind. Soc. Brabrook's Law of Industrial and Provident Societies.

Digitized by Google

Bra. Tr. Un. Brabrook's Law of Trade Unions.

Brac. Bracton de Legibus, etc., Angliæ.

Brack. Misc. Brackenridge Miscellanies.

Brack. Tr. Brackenridge on the Law of Trusts.

Brad. Bradford's Surrogate Reports, New York; Bradford's Kentucky Statutes; Bradford's Iowa Reports; Bradwell's Illinois Reports; Brady's History of the Succession of the Crown of England.

Brad. Dis. Bradby on Distresses.

Bradf. Bradford's New York Surrogate Reports; Bradford's Reports, Iowa.

Bradw. Bradwell's Appellate Reports, Illinois.

Bradl. P. B. Bradley's Point Book.

Brady's Tr. Brady's Treatise upon Cities and Boroughs.

Braith. Chy. Braithwaite's Time of Procedure in Chancery.

Braith. Oaths. Braithwaite on Oaths.

Braith. Pr. Braithwaite's Record and Writ Practice.

Bran. Bank. Brandenburg's Law of Bankruptcy.

Branch. Branch's Reports (1 Florida).

Branch Max. Branch's Maxims.

Branch Pr. Branch's Principia Legis et Equitatis (Maxims).

Brand. May. Ct. Brandon's Practice of the Mayor's Court.

Brand. For. Att. Brandon on Foreign Attachment.

Brandt Div. Brandt on Divorce Causes.

Brandt Sur. Brandt on Suretyship and Guaranty.

Brans. Dig. Branson's Digest of Bombay Reports.

Bray. Brayton's Vermont Reports.

Breese. Breese's Reports (1 Illinois).

Brev. Brevard's South Carolina Reports.

Brev. Dig. Brevard's South Carolina Digest.

Brev. Sel. Brevia Selecta, or Choice Writs.

Brewer. Brewer's Reports (19-26 Maryland).

Brewst. Brewster's Pennsylvania Reports.

Brewst. Pa. Dig. Brewster's Pennsylvania Digest.

Bri. Ult. V. Brice's Ultra Vires.

Brick. Ala. Dig. Brickell's Alabama Digest.

Bridg. Conv. Bridgman on Conveyancing.

Bridg. Eq. Ind. Bridgman's Index to Equity Cases.

Bridg. J. Sir J. Bridgman's English Common Pleas Reports.

Bridg. Leg. Bib. Bridgman's Legal Bibliography.

Bridg. O. Sir Orlando Bridgman's English Common Pleas Reports.

Bridg. Ref. Bridgman's Reflections on the Study of the Law.

Digitized by Google

Bridg. Thes. Bridgman's Thesaurus Juridicus.

Briggs Ry. Acts. Briggs' General Railway Acts.

Bright. Brightly's Pennsylvania Nisi Prius Reports.

Bright. Bank. Law. Brightly's Annotated Bankrupt Law.

Bright. Costs. Brightly on the Law of Costs in Pennsylvania.

Bright. Dig. Brightly's Digest of the Laws of the United States.

Bright. Elec. Cas. Brightly's Leading Election Cases.

Bright. Eq. Jur. Brightly's Equitable Jurisdiction (Pennsylvania).

Bright. Fed. Dig. Brightly's Federal Digest.

Bright H. & W. Bright's Husband and Wife.

Bright. N. P. Brightly's Pennsylvania Nisi Prius Reports.

Bright. N. Y. Dig. Brightly's New York Digest.

Bright. Pa. Dig. Brightly's Pennsylvania Digest.

Bright. Pur. Dig. Brightly's edition of Purdon's Digest of Pennsylvania Laws.

Bright. Tr. & H. Pr. Brightly's edition of Troubat & Haly's Practice.

Bright. U. S. Dig. Brightly's Digest of United States Laws.

Brisbin. Brisbin's Reports (in 1 Minnesota).

Brit. (or Britt.) Britton's Ancient Pleas of the Crown.

Brit. Burm. British Burmah.

Brit. Cr. Cas. British (or English) Crown Cases.

Brit. Col. British Columbia.

Brit. Gui. British Guiana.

Brit. Hond. British Honduras.

Bro. Browne's Pennsylvania Reports; Brown's Michigan Nisi Prius Reports; Brown's English Chancery Reports; Brown's Parliamentary Cases.

Bro. (A.) C. L. Arthur Brown's Compendious View of the Civil Law.

Bro. A. & C. L. Browne's Admiralty and Civil Law.

Bro. A. & R. Brown's United States District Court Reports (Admiralty and Revenue Cases).

Bro. Abr. Brooke's Abridgment.

Bro. Abr. in Eq. Browne's New Abridgment of Cases in Equity.

Bro. Act. Browne's Actions at Law.

Bro. Adm. Brown's United States Admiralty Reports.

Bro. Adm. & C. L. Browne's Admiralty and Civil Law.

Bro. Ag. Brown on Agency and Trusts.

Bro. C. C. (or C. R.) Brown's English Chancery Cases, or Reports.

Bro. C. & A. L. Browne's Civil and Admiralty Law.

Bro. Car. Browne's Law of Carriers.

Bro. Ch. Brown's English Chancery Reports.

Bro. Ch. Pr. Browne's Practice of the High Court of Chancery.

Digitized by Google

Bro. Civ. Law. Browne's Civil and Admiralty Law.

Bro. Civ. Proc. Broughton's Civil Procedure, India.

Bro. Co. Act. Browne on the Companies' Acts.

Bro. Com. Broom's Commentaries on the Common Law.

Bro. Dig. Div. Browne's Digest of Decisions on Divorce and Alimony.

Bro. Div. Pr. Browne's Divorce Court Practice.

Bro. Ecc. Brooke's Six Judgments in Ecclesiastical Cases (English).

Bro. Ent. Brown's Entries.

Bro. Fix. Brown on Fixtures.

Bro. For. Brown's The Forum; Browne on Forestalling, Regrating, and Monopolizing, with Cases.

Bro. Form. Brown's Formulæ Bene Placitandi.

Bro. Fr. Browne on the Statute of Frauds.

Bro. Hered. Browne's Law of Rating of Hereditaments.

Bro. Humor. Browne's Humorous Phases of the Law.

Bro. Ins. Browne's Medical Jurisprudence of Insanity.

Bro. Law Dic. Brown's Law Dictionary.

Bro. Leg. Max. (or **Bro. Max.**) Broom's Legal Maxims.

Bro. Lim. Brown's Limitations as to Real Property.

Bro. M. & D. Browning on Marriage and Divorce.

Bro. N. B. Cas. Browne's National Bank Cases.

Bro. N. C. Brooke's New Cases, English King's Bench.

Bro. N. P. Brown's Michigan Nisi Prius Reports.

Bro. Not. Brooke on the Office of a Notary in England.

Bro. P. C. Brown's English Parliamentary Cases.

Bro. Pa. Browne's Pennsylvania Reports.

Bro. Pat. Pr. Browne's Patent Office Practice.

Bro. Prac. (or **Prax.**) Brown's Practice (Praxis), or Precedents in Chancery.

Bro. Prob. Pr. Browne's Probate Practice.

Bro. R. P. L. Brown on Limitations as to Real Property.

Bro. Read. Brooke's Reading on the Statutes of Limitations.

Bro. Reg. Act. Browne's Parliamentary and Municipal Regulation Act.

Bro. Sal. Brown's Treatise on Law of Sale, Scotland.

Bro. Sav. Brown's Analysis of Savigny on Obligations.

Bro. Sp. David Paul Brown's Speeches.

Bro. St. Brodie's Notes and Supplement to Stair's Institutions of Scotland.

Bro. St. Fr. Browne on the Statute of Frauds.

Bro. Supp. Brown's Supplement to Morrison's Dictionary of the Court of Session, Scotland.

Digitized by Google

Bro. Syn. Brown's Synopsis of Decisions, Scotch Court of Sessions.

Bro. Tr. M. Browne on Trade Marks.

Bro. Us. & Cus. Browne's Law of Usages and Customs.

Bro. V. M. Brown's Vade Mecum.

Bro. & Fr. Broderick & Fremantle's English Ecclesiastical Cases.

Bro. & G. Brownlow & Goldsborough's English Common Pleas Reports.

Bro. & Lush. Browning & Lushington's English Admiralty Reports.

Bro. & Lush. M. & D. Browning & Lushington on Marriage and Divorce.

Brock. Brockenbrough's Marshall's Decisions, U. S. Circuit Court.

Brock. Cas. Brockenbrough's Virginia Cases.

Brock. & Hol. Brockenbrough & Holmes' "Virginia Cases."

Brod. Pat. Cas. Brodix's American & English Patent Cases.

Brod. Stair. Brodie's Notes and Supplement to Stair's Institutes.

Brod. & Bing. Broderip & Bingham's English Common Pleas Reports.

Brod. & Fr. Broderick & Fremantle's Ecclesiastical Cases.

Brooke. Brooke's New Cases, English King's Bench.

Brooke Abr. Brooke's "La Graunde Abridgment."

Brooke Bib. Leg. Brooke's Bibliotheca Legum Angliæ.

Brooke Ch. W. Brooke's Churchwarden's Guide.

Brooke Eccl. Jud. Brooke's Six Ecclesiastical Judgments.

Brooke Lim. Brooke's Reading on the Statutes of Limitations.

Brooke N. C. Brooke's New Cases, English King's Bench Reports.

Brooke Not. Brooke on the Office and Practice of a Notary.

Brooke (Petit). Brooke's New Cases.

Brooke Six Judg. Brooke's Six Ecclesiastical Judgments (or Reports).

Broom C. L. Broom's Commentaries on the Common Law.

Broom Const. L. Broom's Constitutional Law.

Broom Leg. Max. Broom's Legal Maxims.

Broom Part. Broom on Parties to Actions.

Broom Ph. Law. Broom's Philosophy of the Law.

Broom & H. Com. Broom & Hadley's Commentaries on the Laws of England.

Brough Elec. Brough's Law of Elections.

Brough Civ. Pro. Broughton's Indian Civil Procedure.

Broun. Broun's Justiciary Reports, Scotland.

Brow. Brev. Brownlow's Brevia Judicialia.

Brown. Brown's English Parliamentary Cases; Brown's English Chancery Reports; Brown's United States District Court Re-

Digitized by Google

ports; Brown's Michigan Nisi Prius Reports; Brown's Reports (4-10 Nebraska); Brownlow (& Goldesborough's) English C. P. Reports; see also Bro., above.

Brown A. & R. Brown's United States District Court Reports (Admiralty and Revenue Cases).

Brown Dict. Brown's Law Dictionary.

Brown Div. Pr. Browning's Divorce Court Practice.

Brown. Ent. Brownlow's Entries.

Brown. M. & D. Browning on Marriage and Divorce.

Brown N. P. Brown's Michigan Nisi Prius Reports.

Brown. & Gold. Brownlow & Goldesborough's English Common Pleas Reports.

Brown & Hemingway. Brown & Hemingway's Reports (53-58 Mississippi).

Brown. & Lush. Browning & Lushington's English Admiralty Reports.

Brown. & Lush. M. & D. Browning & Lushington on Marriage and Divorce.

Browne. Browne's Pennsylvania Reports; Browne's Reports (97-107 Massachusetts); see also Bro.

Browne Act. Browne on Actions.

Browne Adm. & C. L. Browne's Admiralty and Civil Law.

Browne Car. Browne on Carriers.

Browne Civ. L. Browne on Civil and Admiralty Law.

Browne Div. Pr. Browne's Divorce Court Practice.

Browne Fr. Browne on the Statute of Frauds.

Browne Ins. Brown's Medical Jurisprudence of Insanity.

Browne Prob. Browne's Probate Practice.

Browne St. Fr. Browne on the Statute of Frauds.

Browne Tr. M. Browne on Trade Marks.

Browne Us. Browne on Usages and Customs.

Browne & Gray. Browne & Gray's Reports (110-114 Massachusetts).

Browne & Th. Railw. Browne & Theobald on Railway Law.

Brownl. Brev. Brownlow's Brevia Judicialia.

Brownl. & Gold. Brownlow & Goldesborough, English Common Pleas Reports.

Bru. (or Bruce.) Bruce's Scotch Court of Session Reports.

Bru. M. L. Bruce's Military Law, Scotland.

Bru. Princip. Bruce's Principia Juris Feudalis.

Bru. & Wil. Adm. Bruce & Williams' Admiralty Jurisdiction.

Brun. Col. Cas. Brunner's Collected U. S. C. C. Cases.

Brunk. Ir. Dig. Brunker's Irish Common Law Digest.

Bry. & Str. Com. L. Bryant and Stratton's Commercial Law.

Bryce Civ. L. Bryce's Study of the Civil Law.

Bryce Tr. M. Bryce on Registration of Trade Marks.

Digitized by Google

Bt. Benedict's United States District Court Reports.

Buch. Buchanan's (Eben J. or James). Reports; Cape of Good Hope.

Buch. Cas. (or Tr.) Buchanan's Remarkable Criminal Cases, Scotland.

Buch. Lien Law. Buchan's California Lien Laws.

Buch. Pr. Pl. Buchanan's Precedents of Pleading.

Buck. Buck's English Cases in Bankruptcy.

Buck. Comp. Act. Buckley's Law Practice under the Companies' Act.

Buck. Cooke. Bucknill's Cooke's Cases of Practice, Common Pleas.

Buck. Dec. Buckner's Decisions (in Freeman's Mississippi Chancery Reports).

Buck. Eccl. Law. Buck's Massachusetts Ecclesiastical Law.

Buck. Ins. Bucknill on Insanity.

Buck. Lun. Bucknill on Lunacy.

Buff. Super. Ct. Sheldon's Buffalo (N. Y.) Superior Court Reports.

Bull. Dis. Buller's Law of Distress for Rent.

Bull. Eccl. Bullinbroke's Ecclesiastical Law.

Bull. N. P. Buller's Law of Nisi Prius.

Bull. & B. Bank. Buller and Bund's Manual of Bankruptcy.

Bull. & Cur. Dig. Bullard & Curry's Louisiana Digest.

Bull. & L. Pr. Bullen & Leake's Precedents of Pleading.

Bulst. Bulstrode's English King's Bench Reports.

Bump B'k'cy. Bump on Bankruptcy.

Bump Comp. Bump on Composition in Bankruptcy.

Bump Const. Dec. Bump's Notes of Constitutional Decisions.

Bump Fed. Pr. Bump's Federal Procedure.

Bump Fr. Conv. Bump on Fraudulent Conveyances.

Bump Int. Rev. Bump's Internal Revenue Laws.

Bump Pat. Bump's Law of Patents, Trade Marks, &c.

Bump St. L. Bump on United States Stamp Laws.

Bunb. Bunbury's English Exchequer Reports.

Buny. Dom. L. Bunyon on Domestic Law.

Buny. Fire Ins. Bunyon on Fire Insurance.

Buny. Life Ass. Bunyon on Life Assurance.

Bur. Burrows' English King's Bench Reports; Burnett's Wisconsin Reports.

Bur. Ass. Burrill on Voluntary Assignment.

Bur. Chy. Burrough's History of the Chancery.

Bur. Circ. Ev. Burrill on Circumstantial Evidence.

Bur. Forms. Burrill's Forms.

Bur. Law Dic. Burrill's Law Dictionary.

Digitized by Google

Bur. M. Burrows' Reports temp. Mansfield.

Bur. Pr. Burrill's New York Practice.

Bur. Tax. Burroughs on Taxation.

Bur. & Gres. Eq. Pl. Burroughs & Gresson's Irish Equity Pleader.

Burge App. Burge on the Appellate Jurisdiction of Great Britain.

Burge Col. Law. Burge's Colonial and Foreign Laws.

Burge Confl. Law. Burge on the Conflict of Laws.

Burge Mar. Int. L. Burge on Maritime International Law.

Burge Sur. Burge on Suretyship.

Burgw. Md. Dig. Burgwyn's Maryland Digest.

Burke Cop. Burke on the Law of Copyrights.

Burke Cr. L. Burke on Criminal Law.

Burke Int. Cop. Burke on the Law of International Copyright.

Burke Pub. Sch. Burke on the Law of Public Schools.

Burke Cel. Tr. Burke's Celebrated Trials.

Burl. Leg. Guide. Burleigh's Legislative Guide.

Burl. Nat. Burlamaqui's Natural and Politic Law.

Burm. L. R. Burmah Law Reports.

Burn. Burnett's Wisconsin Reports.

Burn Att. Pr. Burn's Attorney's Practice.

Burn Cr. L. Burnet's Criminal Law of Scotland.

Burn Dic. Burn's Law Dictionary.

Burn Eccl. Burn's Ecclesiastical Law.

Burn J. P. (or **Jus.**) Burn's Justice of the Peace.

Burn Law Dict. Burn's New Law Dictionary.

Burn Mar. Ins. Burn's Marine Insurance.

Burn St. Job. Burn on Stock Jobbing.

Burnet. Burnet's Manuscript Decisions, Scotch Court of Session.

Burnett. Burnett's Wisconsin Reports.

Burr. Burrow's English King's Bench Reports.

Burr. Ass. Burrill on Assignments.

Burr. Ch. Burrough's History of the Chancery.

Burr Circ. Ev. Burrill on Circumstantial Evidence.

Burr. Dict. Burrill's Law Dictionary.

Burr. Forms. Burrill's Forms.

Burr. Pr. Burrill's New York Practice.

Burr. Pub. Sec. Burroughs on Public Securities.

Burr. S. C. Burrows' English Settlement Cases.

Burr. Tax. Burroughs on Taxation.

Burr Tr. Rob. Burr's Trial reported by Robertson.

Burr. & Gr. Eq. Pl. Burroughs & Gresson, Irish Equity Pleader.

Digitized by Google

Burt. Bank. Burton on Bankruptcy.

Burt. Cas. Burton's Collection of Cases and Opinions.

Burt. Man. Burton's Manual of the Laws of Scotland.

Burt. Parl. Burton's Parliamentary Diary.

Burt. R. P. Burton on Real Property.

Burt. Sc. Tr. Burton's Scotch Trials.

Busb. Busbee's Law Reports, North Carolina.

Busb. Eq. Busbee's Equity Reports, North Carolina.

Bush. Bush's Kentucky Reports.

Bush Dig. Bush's Digest Florida Laws.

Bush. Elec. Bushby on Elections.

Busk. Pr. Buskirk's Indiana Practice.

Busw. & Wol. Pr. Buswell & Wolcott's Massachusetts Practice.

But. Law. & Cl. Butler's Lawyer and Client.

Butl. Co. Litt. Butler's Notes to Coke on Littleton.

Butl. Hor. Jur. Butler's Horæ Juridicæ Subsecivæ.

Butts Sh. Butt's edition of Shower's English King's Bench Reports.

Byl. Bills. Byles on Bills of Exchange.

Byl. Exch. Byles' Law of Exchange.

Byl. Us. L. Byles on the Usury Laws.

Byn. War. Bynkershoek's Law of War.

Bynk. Bynkershoek's Quæstionum Juris Publici.

Byrne B. S. Byrne on Bills of Sale.

Byrne Elec. Byrne on Elections in Ireland.

Byrne Pat. Byrne on Patents.

Byth. Prec. (or Conv.) Bythewood's Precedents of Conveyancing.

C.

C. Case; Chapter; Cited; Criticised; Chancery; Code; Codex; Court; Lord Chancellor; Corpus; Centum; Cowen (New York); Connecticut; California; Colorado; Canada.

C. A. Court of Appeal; Court of Arches; Chancery Appeals.

C. Atty. The Complete Attorney.

C. B. Common Bench; Common Bench Reports (Manning, Granger, & Scott); Chief Baron.

C. B. N. S. Common Bench Reports, New Series.

C. C. Circuit Court; Crown Cases; Chancery Cases; County Court; City Court; Civil Code; Cepi Corpus; Coleman's Cases (New York); Cases in Chancery; Causes Celebres; Civil Code; Code Civil Francais, or Code Napoleon.

C. C. A. County Court Appeals.

C. C. A. (U. S.) Circuit Court of Appeals Reports.

Digitized by Google

C. C. B. Code de Commerce Belge.

C. C. C. Choice Cases in Chancery; Crown Circuit Companion; Circuit Court Cases.

C. C. C. G. Circuit Court Commissions Guide for Michigan.

C. C. Chr. Chancery Cases Chronicle, Ontario.

C. C. E. Caines' Cases in Error, N. Y.; Cases of Contested Elections.

C. C. J. County Court Judges.

C. C. P. Code of Civil Procedure.

C. C. Q. Civil Code of Quebec.

C. C. R. Crown Cases Reserved; City Courts Reports; County Court Reports, Circuit Court Reports.

C. C. U. S. Circuit Court of the United States.

C. C. & B. B. Cepi Corpus and Bail Bond.

C. C. & C. Cepi Corpus and Committitur.

C. Com. Code de Commerce.

C. Cr. Pr. Code of Criminal Procedure.

C. D. Comyn's Digest; Commissioner's Decisions, United States Patent Office.

C. de Cass. Cour de Cassation.

C. d'Etat. Conseil d'Etat.

C. E. Gr. C. E. Green's New Jersey Equity Reports.

C. F. Code Forestier Francais.

C. H. & A. Carrow, Hamerton, & Allen's New Sessions Cases, English.

C. H. Rec. City Hall Recorder (Rogers') New York City.

C. H. Rep. City Hall Reporter (Lomas'), New York City.

C. I. Constitutiones Imperiales.

C. Instr. Cr. Code d'Instruction Criminelle.

C. J. Chief Justice; Chief Judge; Journal of the House of Commons.

C. J. B. Chief Judge in Bankruptcy.

C. J. C. Corpus Juris Civilis; Couper's Judiciary Cases, Scotland.

C. J. Can. Corpus Juris Canonici.

C. J. Civ. Corpus Juris Civilis.

C. J. C. P. Chief Justice of the Common Pleas.

C. J. K. B. Chief Justice of the King's Bench.

C. J. Q. B. Chief Justice of the Queen's Bench.

C. J. U. B. Chief Justice of the Common (Upper) Bench.

C. L. Common Law; Civil Law.

C. L. J. Central Law Journal, St. Louis; Chicago Law Journal; Canada Law Journal, Toronto.

C. L. J. N. S. Canada Law Journal, New Series.

C. L. N. Chicago Legal News.

C. L. P. Act. Common Law Procedure Act.

C. L. R. Common Law Reports, printed by Spottiswoode; "English Common Law Reports," American reprint; Cleveland Law Record, Cleveland, Ohio.

Digitized by Google

C. M. & R. Compton, Meeson & Roscoe's English Exchequer Reports.

C. N. Code Napoleon (or Civil Code).

C. N. Conf. Cameron & Norwood's North Carolina Conference Reports.

C. N. P. Cases at Nisi Prius.

C. N. P. C. Campbell's Nisi Prius Cases.

C. O. Common Orders.

C. of C. E. Cases of Contested Elections, United States.

C. P. Common Pleas; Crown Pleas; Code of Procedure; Code of Practice; Code Penal.

C. P. C. (or Coop.) C. P. Cooper's English Chancery Practice Cases; Code de Procedure Civile.

C. P. C. t. Br. C. P. Cooper's English Chancery Reports temp. Brougham.

C. P. C. t. Cott. C. P. Cooper's English Chancery Reports temp. Cottenham.

C. P. Div. Common Pleas Division, English Law Reports.

C. P. L. Cornell's Parochial Law.

C. P. Rept. Common Pleas Re-Reporter, Scranton, Pa.

C. Pr. Code of Procedure; Precedents prepared by Counsel; Code Procedure Civile

C. P. U. C. Common Pleas Reports, Upper Canada.

C. R. Chancery Reports; Code Reporter, New York.

C. R. N. S. Code Reports, New Series, New York.

C. S. Compiled Statutes; Court of Sessions, Scotland; Custos Sigilli (Keeper of the Seal).

C. S. C. Canada Supreme Court; Consolidated Statutes of Canada.

C. S. C. R. Cincinnati Superior Court Reporter.

C. S. L. C. Consolidated Statutes of Lower Canada.

C. S. U. C. Consolidated Statutes of Upper Canada.

C. S. & P. (Craigie, Stewart &) Paton's Scotch Appeal Cases.

C. T. Constitutiones Tiberii.

C. Theod. Codex Theodosiani.

C. t. K. Cases temp. King (Macnaghten's Select Chancery Cases, English).

C. t. N. Cases temp. Northington (Eden's English Chancery Reports).

C. t. T. Cases temp. Talbot, English Chancery.

C. V. Constitution of Virginia.

C. Vict. Dominion of Canada Statutes in the Reign of Victoria.

C. W. Dud. C. W. Dudley's Law or Equity Reports, South Carolina.

Cyc. Cyclopedia of Law and Procedure.

C. & A. Cooke & Alcock's Irish King's Bench Reports.

C. & C. Coleman & Caines' Cases, New York.

C. & D. Corbett & Daniell's English Election Cases; Crawford & Dix's Irish Circuit Cases.

C. & D. A. C. Crawford & Dix's Abridged Cases, Irish.

Digitized by Google

C. & D. C. C. Crawford & Dix's Irish Circuit Cases.

C. & F. Clark & Finnelly's English House of Lords Reports.

C. & H. Char. Tr. Cooke & Harwood's Charitable Trusts.

C. & H. Dig. Coventry & Hughes' Digest.

C. & J. Crompton & Jervis' English Exchequer Reports.

C. & K. Carrington & Kirwan's English Nisi Prius Reports.

C. & L. Connor & Lawson's Irish Chancery Reports.

C. & L. Dig. Cohen & Lee's Maryland Digest.

C. & M. Crompton's & Meeson's English Exchequer Reports; Carrington & Marshman's English Nisi Prius Reports.

C. & M. Bills. Collier & Miller on Bills of Sale.

C. & Marsh. Carrington & Marshman's English Nisi Prius Reports.

C. & N. Cameron & Norwood's North Carolina Conference Reports.

C. & O. R. Cas. English Railway and Canal Cases by Carrow & Oliver, &c.

C. & P. Carrington & Payne's English Nisi Prius Reports, Craig & Phillips' Chancery Reports.

C. & R. Cockburn & Rowe's English Election Cases.

C. & S. Dig. Conner & Simonton's South Carolina Equity Digest.

Ca. Case or Placitum; Cases, see **Cas.**

Ca. resp. Capias ad respondendum.

Ca. sa. Capias ad satisfaciendum.

Cab. Int. Cababe on Interpleader and Attachment of Debts.

Cab. Lawy. The Cabinet Lawyer.

Cab. & Ell. Cababe & Ellis, English Nisi Prius Reports.

Cadw. Gr. R. Cadwalader on Ground Rents (Pennsylvania).

Cai. Caines' New York Term Reports; Caius (or Gaius), see Gaius.

Cai Cas. (or **Cas. Err.**) Caines' New York Cases in Error.

Cai. Forms. Caines' Practical (New York) Forms.

Cai. Lex Mer. Caines' Lex Mercatoria Americana.

Cai. Pr. Caines' Practice.

Cai. T. R. Caines' (Term) Reports, New York.

Caii. Caii or Gaii Institutiones, see Gaius.

Cain. Caines, see Cal.

Cal. California Reports; Calcutta; Calthrop's English King's Bench Reports; Caldecott's English Settlement Cases; Calendæ.

Cal. L. J. California Law Journal, San Francisco.

Cal. Leg. Adv. Calcutta Legal Adviser, India.

Cal. Leg. Obs. Calcutta Legal Observer.

Cal. Leg. Rec. California Legal Record, San Francisco.

Cal. Mil. Laws. Callan's Military Laws of the United States.

Cal. Prac. Hart's California Practice.

Digitized by Google

Cal. Rep. California Reports; Calthrop's English King's Bench Reports.

Cal. S. D. A. Calcutta Sudder Dewanny Adawlut Reports.

Cal. Ser. Calcutta Series Indian Law Reports.

Cal. Sew. Callis' Treatise on Sewers.

Cal. W. R. Calcutta Weekly Reporter, India.

Calc. Calcutta, see Cal.

Cald. (J. P. or Set. Cas.) Caldecott's English Magistrate's (Justice of the Peace) and Settlement Cases.

Cald. Arb. Caldwell on Arbitration.

Call. Call's Virginia Reports.

Call. Mil. L. Callan's United States Military Laws.

Call. Sew. Callis on Sewers.

Calth. Calthrop's English King's Bench Reports.

Calth. Copyh. Calthorpe on Copyholds.

Calv. Lex. Calvin's Lexicon Juridicum.

Calv. Par. Calvert's Parties to Suits in Equity.

Cam. Cameron's Reports, Upper Canada, Queen's Bench.

Cam. Brit. Camden's Britannia.

Cam. Duc. Camera Ducata (Duchy Chamber).

Cam. Int. Suc. Cameron's Intestate Succession in Scotland.

Cam. J. S. Comp. Cameron on Joint Stock Companies, Scotland.

Cam. Op. Cameron's Legal Opinions, Toronto.

Cam. Scac. Camera Scaccaria (Exchequer Chamber).

Cam. Stell. Camera Stellata (Star Chamber).

Cam. & Nor. Cameron & Norwood's North Carolina Conference Reports.

Camp. Campbell's English Nisi Prius Reports; see also Campbell.

Camp. Ch. Jus. Campbell's Lives of the Chief Justices.

Camp. Cit. Campbell on Citation and Diligence.

Camp. Ex. Campbell on Executors and Administrators in Pennsylvania.

Camp. Ld. Ch. Campbell's Lives of the Lord Chancellors.

Camp. Merc. L. Campbell on Mercantile Law.

Camp. N. P. Campbell's English Nisi Prius Reports.

Camp. Neg. Campbell on the Law of Negligence.

Camp. Rom. L. (or **Comp.**) Campbell's Compendium of Roman Law.

Camp. Sale (or **Com. Ag.**) Campbell on Sale of Goods, and Commercial Agency.

Campbell. Campbell's English Nisi Prius Reports; Campbell's Reports of Taney's United States Circuit Court Decisions; Campbell's Legal Gazette Reports, Pennsylvania.

Can. Canada; Canon.

Can. Cr. Acts. Canada Criminal Acts, Taschereau's edition.

Digitized by Google

Can. L. J. Canada Law Journal, Toronto; (Lower) Canada Law Journal, Montreal.

Can. L. T. Canadian Law Times.

Can. Pat. Off, Rec. Canadian Patent Office Record.

Can. S. C. Rep. Canada Supreme Court Reports.

Candy M. C. Candy's Mayor's Court Practice.

Cap. Capitulo; Chapter.

Cape L. J. Cape (of Good Hope) Law Journal.

Car. Carolus; Carolina.

Car. Cr. L. Carrington's Criminal Law.

Car. H. & A. Carrow, Hamerton and Allen's New Sessions Cases, English.

Car. Laws. Caruther's History of a Lawsuit.

Car. L. J. Carolina Law Journal, Charleston, S. C.

Car. L. Rep. Carolina Law Repository, Raleigh, N. C.

Car. O. & B. English Railway and Canal Cases, by Carrow, Oliver, Bevan, &c.

Car. & Kir. Carrington's & Kirwan's English Nisi Prius Reports.

Car. & Mar. Carrington & Marchman's English Nisi Prius Reports.

Car. & Ol. English Railway and Canal Cases, by Carrow, Oliver, &c.

Car. & P. Carrington & Payne's English Nisi Prius Reports.

Carp. P. C. Carpmael's English Patent Cases.

Carpenter. Carpenter's Reports (53 California).

Carr. Ham. & L. Carrow, Hamerton & Allen's New Sessions Cases, English.

Carrau. Carrau's edition of "Summary Cases," Bengal.

Cart. Carter (see below).

Cart. de For. Carta de Foresta (the Charter of the Forest).

Cart. T. M. Cas. Cartmell's Trade Mark Cases, English.

Carter. Carter's English Common Pleas Reports; Carter's Reports (1 & 2 Indiana).

Carth. Carthew's English King's Bench Reports.

Cary. Cary's English Chancery Reports.

Cary Jur. Cary on Juries.

Cary Lit. Cary's Commentary on Littleton's Tenures.

Cas. Cases; Casey's Reports (25-36 Pennsylvania State).

Cas. App. Cases of Appeal to the House of Lords.

Cas. Arg. & Dec. Cases Argued and Decreed in Chancery, English.

Cas. B. R. Cases Banco Regis temp. William III. (12 Modern Reports).

Cas. B. R. Holt. Cases and Resolutions (of Settlements; not Holt's King's Bench Reports).

Cas. C. L. Cases in Crown Law.

Cas. Ch. Cases in Chancery, English; Select Cases in Chancery; Cases in Chancery (9 Modern Reports).

Cas. Eq. Cases in Equity, Gilbert's Reports; Cases and Opinions in Law, Equity, and Conveyancing.

Digitized by Google

Cas. Eq. Abr. Cases in Equity, Abridged, English.

Cas. F. T. Cases tempore Talbot, by Forrester, English Chancery.

Cas. H. L. Cases in the House of Lords.

Cas. in C. Cases in Chancery; Select Cases in Chancery.

Cas. K. B. Cases in King's Bench (8 Modern Reports).

Cas. K. B. t. H. Cases tempore Hardwicke (W. Kelynge's English King's Bench Reports).

Cas. L. & Eq. Cases in Law and Equity (10 Modern Reports); (Gilbert's) Cases in Law and Equity, English.

Cas. on Car. Selections of Cases on the Law of Carriers.

Cas. on Sure. Selection of Cases on the Law of Suretyship.

Cas. P. (or **Parl.**) Cases in Parliament.

Cas. Pr. Cases of Practice, English King's Bench.

Cas. Pr. C. P. Cases of Practice, English Common Pleas (Cooke's Reports).

Cas. Pr. K. B. Cases of Practice in the King's Bench.

Cas. Proc. Cassell's Procedure in the Courts of Canada.

Cas. R. Casey's Reports (25-36 Pennsylvania State).

Cas. S. C. (Cape G. H.) Cases in the Supreme Court, Cape of Good Hope.

Cas. Self Def. Horrigan & Thompson's cases on Self-Defence.

Cas. Sett. Cases of Settlement, King's Bench.

Cas. Six Cir. Cases on the Six Circuits, Ireland.

Cas. t. Ch. II. Cases tempore Charles II., in Vol. 3 of Reports in Chancery.

Cas. t. F. Cases tempore Finch, English Chancery.

Cas. t. Geo. I. Cases tempore George I., English Chancery (8, 9 Modern Reports).

Cas. t. H. Cases tempore Hardwicke, English King's Bench (Ridgway, Lee, or Annaly); Cases tempore Holt, English King's Bench (Holt's Reports); West's Chancery Reports, tempore Hardwicke.

Cas. t. K. Select Cases tempore King, English Chancery (edited by Macnaghten); Moseley's Chancery Reports, tempore King.

Cas. t. Lee. (Phillimore's) Cases tempore Lee, English Ecclesiastical.

Cas. t. Mac. Cases tempore Macclesfield (10 modern Reports).

Cas. t. Nap. Cases tempore Napier, by Drury, Irish Chancery.

Cas. t. North. Cases tempore Northington (Eden's English Chancery Reports).

Cas. t. Plunk. Cases tempore Plunkett, by Lloyd & Gould, Irish Chancery.

Cas. t. Q. A. Cases tempore Queen Anne (11 Modern Reports).

Cas. t. Sugd. Cases tempore Sugden, Irish Chancery.

Cas. t. Tal. Cases tempore Talbot, English Chancery.

Cas. t. Wm. III. Cases tempore William III. (12 Modern Reports).

Cas. Tak. & Adj. Cases Taken and Adjudged (first edition of Reports in Chancery).

Digitized by Google

Cas. w. Op. Cases with Opinions, by Eminent Counsel.

Cas. Wm. I. Bigelow's Cases, William I. to Richard I.

Cas. & Op. Cases, with Opinions, by Eminent Counsel.

Casey. Casey's Reports (25-26 Pennsylvania).

Casp. For. Med. Casper's Forensic Medicine.

Cass. Proc. Cassell's Procedure, Canada.

Cast. Com. Castle's Law of Commerce in Time of War.

Cast. Rat. Castle on Rating.

Casw. Cop. Caswall on Copyhold.

Cav. Deb. Cavendish's Debates, House of Commons.

Cav. Deb. Can. Cavender's Debates on Canada.

Cav. Mon. Sec. Cavanaugh's Law of Money Securities.

Cawl. Cawley's Laws Against Recusants.

Cay. Abr. Cay's Abridgment of the English Statutes.

Ce. C. Cepi Corpus.

Cel. Tr. Celebrated Trials; Burke's Celebrated Trials.

Cent. Dig. Century Digest.

Cent. L. J. Central Law Journal, St. Louis, Mo.

Cent. L. Mo. Central Law Monthly.

Cent. Rep. Central Reporter.

Cent. Cr. Ct. R. Central Criminal Court Sessions Papers, London.

Ch. King Charles; Chancellor; Chancery; Chambers; Chalmers' Colonial Opinions; Chicago; (with date) Law Reports, England, Chancery Division.

Ch. App. Cas. Chancery Appeal Cases, English Law Reports.

Ch. B. Ex. Chief Baron of the Exchequer.

Ch. Bills. Chitty on Bills.

Ch. Black. Chitty's Blackstone; Chase's Blackstone.

Ch. Burn's J. Chitty's Burn's Justice.

Ch. Cal. Calendar of the Proceedings in Chancery.

Ch. Cas. Cases in Chancery.

Ch. Cas. Ch. Choyce Cases in Chancery.

Ch. Cham. Chancery Chambers' Reports, Ontario.

Ch. Col. Op. Chalmer's Colonial Opinions.

Ch. Cr. L. Chitty's Criminal Law.

Ch. C. P. Chief Justice, Court of Common Pleas.

Ch. Div. Chancery Division, English Law Reports.

Ch. J. Chief Justice; Chief Judge.

Ch. Pl. Chitty on Pleading.

Ch. Pr. Chancery Practice.

Ch. Prec. Precedents in Chancery.

Ch. Q. B. Chief Justice, Court of Queen's Bench.

Ch. Rep. Reports in Chancery; Irish Chancery Reports.

Ch. R. M. R. M. Charlton's Georgia Reports.

Ch. Sent. Chancery Sentinel, Saratoga, New York.

Ch. T. U. P. T. U. P. Charlton's Georgia Reports.

Digitized by Google

Ch. & Cl. Cas. Cripp's Church and Clergy Cases.

Cha. Add. Chapman's Addenda.

Cha. Dig. Chaney's Michigan Digest.

Cha. L. & T. Chambers on Landlord and Tenant.

Cha. Pr. Chapman's Practice of the Court of Queen's Bench.

Chad. Cyc. L. Chadman's Cyclopedia of Law (12 Vol.).

Chad. H. L. S. S. Chadman's Home Law School Series.

Chal. Op. Chalmer's Colonial Opinions.

Cham. Chambers' Reports, Upper Canada.

Cham. & P. R. R. Chambers & Parsons' Railroad Laws.

Cham. Chy. Jur. Chambers' Chancery Jurisdiction as to Infants.

Cham. Com. Chambers on Commons.

Cham. Com. Law. Chamberlin's American Commercial Law.

Cham. Est. Chambers on Estates and Tenures.

Cham. L. & T. Chambers on Landlord and Tenant.

Cham. Leas. Chambers on Leases.

Cham. Pr. Chambers on Practice.

Cham. Rat. Chambers on Rating.

Chamb. Chambers, see Cham.

Chamb. Rep. Chancery Chambers Reports, Ontario.

Chan. Chaney's Reports (37-44 Michigan); Chancellor; Chancery, see Ch.

Chan. Rev. Virginia Acts, published by the Chancery Judges of Va., 1785.

Chanc. Chancery, see Ch.

Chance Pow. Chance on Powers.

Chand. Chandler's Reports, Wisconsin; Chandler's Reports (20 and 38-44 New Hampshire).

Chand. Cr. Tr. Chandler's American Criminal Trials.

Chaney. Chaney's Reports (37-44 Michigan).

Chap. & Sh. Chapel & Shoard on the Law of Copyright.

Char. Merc. Charta Mercatoria.

Charl. Pl. Charley's Pleading under the Judicature Acts.

Charl. Pr. Cas. Charley's English Practice Cases.

Charl. R. M. R. M. Charlton's Georgia Reports.

Charl. R. P. Stat. Charley's Real Property Statutes.

Charl. T. U. P. T. U. P. Charlton's Georgia Reports.

Chart (or Rot. Chart.) Rotulus Chartarum (The Charter Roll).

Chart. Forest. Charta de Foresta.

Chase. Chase's United States Circuit Court Decisions.

Chase's Bl. Chase's edition of Blackstone.

Chase Tr. Chase's Trial (Impeachment) by the United States Senate.

Cheev. Med. Jur. Cheever's Medical Jurisprudence for India.

Cher. Ca. Cherokee Case.

Chest. Ca. Case of the City of Chester, on Quo Warranto.

Digitized by Google

Chest. Co. R. Chester County (Pennsylvania) Reporter.

Chev. Cheves' South Carolina Law Reports.

Chev. Ch. (or **Eq.**) Cheves' South Carolina Equity Reports.

Chi. Chicago, see Chic.

Chi. Black. Chitty's Blackstone.

Chic. L. B. Chicago Law Bulletin, Illinois.

Chic. L. J. Chicago Law Journal, Illinois.

Chic. L. R. Chicago Law Record, Illinois.

Chic. L. T. Chicago Law Times.

Chic. Leg. N. Chicago Legal News, Illinois.

Chip. Chipman's Reports, New Brunswick.

Chip. Cont. Chipman on the Law of Contracts.

Chip. D. D. Chipman's Vermont Reports.

Chip. Gov. Chipman's Principles of Government.

Chip. MS. Reports printed from Chipman's Manuscript, New Brunswick.

Chip. N. N. Chipman's Vermont Reports.

Chit. Chitty's English Bail Court Reports.

Chit. Ap. Chitty's Law of Apprentices.

Chit. Arch. Pr. Chitty's Edition of Archbold's Practice.

Chit. B. C. Chitty's English Bail Court Reports.

Chit. Bills (or **B. & N.**) Chitty on Bills.

Chit. Bl. Chitty's edition of Blackstone's Commentaries.

Chit. Burn's J. Chitty's edition of Burn's Justice.

Chit. Car. Chitty's Treatise on Carriers.

Chit. Com. L. Chitty's Law of Commerce.

Chit. Con. Chitty on Contracts.

Chit. Const. Chitty on Constables.

Chit. Cr. L. Chitty's Criminal Law.

Chit. Des. Chitty on the Law of Descents.

Chit. Eq. Dig. (or **Ind.**) Chitty's Equity Digest (or Index).

Chit. F. Chitty's Forms.

Chit. G. L. Chitty on the Game Laws.

Chit. Gen. Pr. Chitty's General Practice.

Chit. Jun. B. Chitty (Junior) on Bills.

Chit. L. of N. Chitty's Law of Nations.

Chit. Lawy. Chitty's Commercial and General Lawyer.

Chit. Med. Jur. Chitty's Medical Jurisprudence.

Chit. Nat. Chitty's Law of Nations.

Chit. Pl. Chitty on Pleading.

Chit. Pr. Chitty's General Practice.

Chit. Prec. Chitty's Precedents in Pleading.

Chit. Prer. Chitty's Prerogatives of the Crown.

Chit. R. Chitty's English Bail Court Reports.

Digitized by Google

Chit. St. A. Chitty's Stamp Act.

Chit. Stat. Chitty's Statutes of Practical Utility.

Chit. Sum. P. Chitty's Summary of the Practice of the Superior Courts.

Chit. & H. Bills. Chitty & Hulme on Bills of Exchange.

Chit. & M. Dig. Chitty & Mew's Supplement to Fisher's English Digest.

Chit. & T. Car. Chitty & Temple on Carriers.

Chitt. Chitty's English Bail Court Reports; see also Chit.

Cho. Ca. Ch. Choyce Cases in Chancery.

Chr. Ch. Christian's Charges to Grand Juries.

Chr. Pr. W. Christie's Precedents of Wills.

Chr. Rep. Chamber's Reports, Upper Canada.

Chr. Rob. Christopher Robinson's English Admiralty Reports.

Chris. B. L. Christian's Bankrupt Law.

Chron. Div. Cts. Chronicles of the Divorce Courts.

Chron. Jur. Chronica Juridicialia.

Church. & Br. Sh. Churchill & Bruce on Sheriffs.

Chute Eq. Chute's Equity under the Judicature Act.

Cin. Law Bul. Cincinnati Law Bulletin, Cincinnati, Ohio.

Cin. Mun. Dec. Cincinnati Municipal Decisions.

Cin. S. C. Rep. Cincinnati Superior Court Reporter.

Cinc. Cincinnati, see Cin.

Circ. Circuit.

Circ. Ct. Circuit Court.

City Ct. Rep. City Court Reports, New York City.

City H. Rec. City Hall Recorder (Rogers'), New York.

City H. Rep. Lomas' City Hall Reporter, New York.

City Rec. City Record, New York.

Civ. Code. Civil Code.

Civ. Pr. Rep. Civil Procedure Reports, New York.

Cl. App. Clark's Appeal Cases, House of Lords.

Cl. Ass. Clerk's Assistant.

Cl. Bills. Clarke on Bills and Notes.

Cl. Can. Ins. Clarke's Canada Insolvent Acts.

Cl. Ch. Clarke's Chancery Reports, New York.

Cl. Col. Clark's Colonial Law.

Cl. Elec. Clark's Treatise on Elections.

Cl. Extr. Clarke on Extradition.

Cl. Home. Clerk Home, Scotch Session Cases.

Cl. Ins. Clarke on Law of Insurance, Canada.

Cl. R. L. Clarke's Early Roman Law.

Cl. & Fin. Clark & Finnelly's House of Lords Cases.

Cl. & Finn. N. S. House of Lords Cases, by Clark.

Cl. & H. Clarke & Hall's Contested Elections in Congress.

Digitized by Google

Clan. H. & W. Clancy on Husband and Wife.

Clan. Mar. Wom. Clancy on Married Women.

Clapp Ind. Clapp's Index to Rhode Island Reports.

Clar. Parl. Chr. Clarendon's Parliamentary Chronicle.

Clark. English House of Lords Cases, by Clark; Pennsylvania Law Journal Reports, edited by Clark; Clark's Reports (58 Alabama); see also Clarke.

Clark Col. L. Clark's Colonial Law.

Clark Dig. Clark's House of Lords Digest.

Clark Lease. Clark on Leases.

Clark Part. Clark on Partnership, &c., Scotland.

Clark & Fin. Clark & Finnelly's House of Lords Reports.

Clark & Fin. N. S. Clarke & Finnelly's Reports, New Series.

Clarke. Clarke's New York Chancery Reports; Clarke's edition of 1-8 Iowa; Clarke's Reports (18-22 Michigan); Clarke's Notes of Cases, Bengal; see also Clark.

Clarke, Adm. Pr. Clarke's Admiralty Practice.

Clarke B. Clarke on Bills and Notes, Canada.

Clarke Bib. Leg. Clarke's Bibliotheca Legum.

Clarke Ch. Clarke's New York Chancery Reports.

Clarke Const. Clarke's Constable's Manual, Canada.

Clarke Cr. L. Clarke's Criminal Law, Canada.

Clarke Extr. Clarke on Extradition.

Clarke Insolv. Clarke's Insolvent Acts, Canada.

Clarke Insur. Clarke's Insurance Law, Canada.

Clarke Not. (or R. & O.) Clarke's Notes of Cases, in his "Rules and Orders," Bengal.

Clarke Pr. Clarke's (or Clerke's) Praxis Admiralitatis.

Clarke Rom. L. Clarke's Early Roman Law.

Clarke & H. Elec. Cas. Clarke & Hall's Cases of Contested Elections in Congress.

Clay. Conv. Clayton on Conveyancing.

Clay. L. & T. Claydon on Landlord and Tenant.

Clayt. Clayton's English Reports, York Assizes.

Cleav. Bank. L. Cleaveland's Banking Laws of New York.

Clem. Corp. Sec. Clemens on Corporate Securities.

Clerk Home. Clerk Home's Decisions, Scotch Court of Session.

Clerke Am. L. Clerke's American Law and Practice.

Clerke Dig. Clerke's Digest, New York.

Clerke Pr. Clerke's (or Clarke's) Praxis Admiralitatis.

Clerke Rud. Clerke's Rudiments of American Law and Practice.

Clerke & Br. Conv. Clerke & Brett on Conveyancing, &c.

Clev. L. Rec. Cleveland (Ohio) Law Record.

Digitized by Google

Clev. L. Rep. Cleveland (Ohio) Law Reporter.

Cleve. Bank. Cleaveland on the Banking System.

Clif. Clifford's United States Circuit Court Reports.

Clif. Prob. Clifford's Probate Guide.

Clif. (South) El. Cas. Clifford's Southwick Election Cases.

Clif. & Rick. Clifford & Rickard's English Locus Standi Reports.

Clif. & St. Clifford & Stephens' English Locus Standi Reports.

Clift. Clift's Book of Entries.

Clin. Dig. Clinton's New York Digest.

Clk. Mag. The Clerk's Magazine, London; The Rhode Island Clerk's Magazine.

Clode M. L. Clode's Martial Law.

Clow L. C. on Torts. Clow's Leading Cases on Torts.

Co. County; Company; Coke's English King's Bench Reports.

Co. B. L. Coke's Bankrupt Law.

Co. Cop. Coke's Copyholder.

Co. Ct. Chr. County Courts Chronicle, London.

Co. Ct. Rep. County Court Reports, English.

Co. Cts. Coke on Courts (4th Institute).

Co. Ent. Coke's Book of Entries.

Co. G. Reports and Cases of Practice in C. P. temp. Anne, Geo. I., and Geo. II., by Sir G. Coke. (Same as Cooke's Practice Reports).

Co. Lit. Coke on Littleton (1st Institute).

Co. M. C. Coke's Magna Charta (2d Institute).

Co. P. C. Coke's Pleas of the Crown (3d Institute).

Co. Pal. Counties Palatine.

Co. Pl. Coke's Pleadings (sometimes published separately).

Co. Rep. Coke's Reports, King's Bench.

Cobb. Cobb's Reports (6-20 Georgia).

Cobb. P. & Pl. Cobbett on Pawns and Pledges.

Cobb. Parl. Hist. Cobbett's Parliamentary History.

Cobb. Pol. Reg. Cobbett's Political Register.

Cobb Slav. Cobb on Slavery.

Cobb. St. Tr. Cobbett's (afterwards Howell's) State Trials.

Cochr. Cochran's Nova Scotia Reports.

Cochr. Hind. L. Cochrane's Hindu Law.

Cock. Nat. Cockburn on Nationality.

Cock. Tich. Ca. Cockburn's Charge in the Tichborne Case.

Cock. & Rowe. Cockburn & Rowe's Election Cases.

Cocke. Cocke's Reports (16-18 Alabama); Cocke's Reports (14, 15 Florida).

Cocke Const. Hist. Cocke's Constitutional History of the United States.

Digitized by Google

Cocke U. S. Pr. Cocke's Common and Civil Law Practice of the U. S. Courts.

Cod. Jur. Civ. Codex Juris Civilis.

Codd. Tr. M. Coddington's Digest of the Law of Trade Marks.

Code Civ. Code Civil Francais (or Code Napoleon).

Code Com. B. Code de Commerce, Belge.

Code Com. I. Code de Commerce, Italien.

Code Comm. Code de Commerce.

Code des F. Code des Faillites et Canqueroutes.

Code de J. M. Code de Justice Militaire.

Code For. Code Forestier Francais.

Code Fr. An. Code Francais Annote.

Code I. Code d'Instruction Criminelle.

Code La. Civil Code of Louisiana.

Code M. Code Municipal, Quebec.

Code N. (or Nap.) Code Napoleon (or Code Civil).

Code P. Code Penal.

Code P. C. Code de Procedure Civile.

Code Pro. Code of Procedure.

Code Rep. New York Code Reporter.

Code Rep. N. S. New York Code Reporter, New Series.

Codes Fr. Les Codes Francaises.

Coe Ch. Pr. Coe's Chambers Practice.

Cof. Dig. Cofer's Kentucky Digest.

Cogh. Epit. Coghlan's Epitome of Hindu Law Cases.

Coke. Coke's English King's Bench Reports.

Coke Ent. Coke's Book of Entries.

Coke Inst. Coke's Institutes.

Coke Lit. Coke on Littleton.

Col. Colorado; Colorado Reports; Columna (in such a column); Column; Colonial; Columbia.

Col. C. C. Collyer's English Chancery Cases.

Col. Cas. Coleman's Cases (of Practice), New York.

Col. Crim. Law. Colby's Criminal Law and Practice, New York.

Col. Fr. Suc. Colin on French Intestate Successions.

Col. Jur. Columbia (College, N. Y.) Jurist.

Col. L. J. Colonial Law Journal, New Zealand.

Col. L. Rep. Colorado Law Reporter.

Col. L. T. Columbia (College, N. Y.) Law Times.

Col. Mass. Pr. Colby's Massachusetts Practice.

Col. Mines. Collier's Law of Mines.

Col. Mort. Colby on Mortgage Foreclosures.

Col. Mun. B. Coler's Law of Municipal Bonds.

Col. Part. Collyer's Law of Partnership.

Col. & Cai. Coleman and Caines' Cases, New York.

Digitized by Google

Colb. Pr. Colby's Practice.

Colb. & Col. Sec. Colebrooke's Treatise on the Law of Collateral Securities, as applied to Negotiable, Quasi-negotiable and Non-negotiable choses in action.

Cold. Coldwell's Tennessee Reports.

Colds. Pr. Coldstream's Scotch Court of Session Procedure.

Cole. Cole's edition of Iowa Reports.

Cole Cond. Cole on Conditions of Sale.

Cole Cr. Inf. Cole on Criminal Information.

Cole. Dig. Colebrooke's Digest of Hindu Law.

Cole Eject. Cole's Law and Practice of Ejectment.

Coll. Collyer's English Chancery Cases; Colles' Parliamentary Cases; In the collection of a certain Novel.

Coll. Bank. Collins on Banking.

Coll. Bank. Collier on the Law of Bankruptcy.

Coll. Caus. Cel. Collection des Causes Celebres, Paris.

Coll. Contr. Collier's Law of Contributories.

Coll. Id. (or **Lun.**) Collinson on the Law of Idiots and Lunatics.

Coll. Jurid. Collectanea Juridica.

Coll. L. D. et O. Collection des Lois, Decrets et Ordonnances.

Coll. Min. Collier on Mines.

Coll. P. C. Colles' English Parliamentary (House of Lords) Cases.

Coll. Part. Collyer on the Law of Partnership.

Coll. Pat. Collier on Patents.

Coll. St. L. Collinson on the Stamp Laws.

Coll. Tor. Collet on Torts and Measure of Damages.

Coll. & Com. Lawy. Collector and Commercial Lawyer, Detroit.

Coll. & Mil. B. S. Collier & Miller on Bills of Sale.

Colles. Colles' English Parliamentary Cases.

Collin. Id. (or **Lun.**) Collinson on the Law of Idiots and Lunatics.

Colly. Collyer's English Vice-Chancellor's Reports.

Colly. Part. Collyer on Partnership.

Colo. Colorado; Colorado Reports.

Colo. App. Colorado Appeals Reports.

Colo. L. Rep. Colorado Law Reporter.

Colq. Colquit's Reports (1 Modern).

Colq. C. L. Colquhoun's Civil Law.

Colq. Jud. A. Colquhoun on the Judicature Acts.

Colq. Rom. Law. Colquhoun's Roman Civil Law.

Colt. Coltman's Registration Cases, English, C. P.

Colvil. Colvil's Manuscript Decisions, Scotch Court of Session.

Coly. Guar. (De) Colyar on Guarantees.

Digitized by Google

Com. Comyn's Reports, English King's Bench; Comberbach's English King's Bench Reports; Comstock's Reports (1-4 New York Court of Appeals); Common; Commissioner; Commentary; Commerce; Commercial; Communes (or Extravagantes Communes).

Com. App. Commissioner of Appeals.

Com. Att. Complete Attorney.

Com. B. Common Bench; (English) Common Bench Reports (Manning, Granger and Scott).

Com. B. N. S. (English) Common Bench Reports, New Series.

Com. Black. A'Beckett's Comic Blackstone.

Com. Con. Comyn's Law of Contracts.

Com. Dig. Comyn's Digest of the Laws of England.

Com. Dow. Comstock's Digest of the Law of Dower.

Com. Forms. Comer's Forms of Writs.

Com. G. S. Commissioners of the Great Seal.

Com. G. & W. Comstock on Guardian and Ward.

Com. Jour. Journals of the House of Commons.

Com. L. R. English Common Law Reports (American reprint).

Com. L. & T. Comyn on Landlord and Tenant.

Com. Law. Common Law; Commercial Law.

Com. Law. Rep. English Common Law Reports (American reprint); Common Law Reports, published by Spottiswoode.

Com. Pl. Common Pleas, English Law Reports.

Com. Pl. Div. Common Pleas Division, English Law Reports.

Com. Pl. Reptr. Common Pleas Reporter, Scranton, Pa.

Com. Pat. Commissioner of Patents.

Com. Us. Comyn on the Law of Usury.

Com. & Leg. Rep. Commercial and Legal Reporter, Nashville, Tenn.

Comb. Comberbach's English King's Bench Reports.

Comm. Commentaries; Blackstone's Commentaries; Commissioner.

Comp. (or C.) Sol. Complete Solicitor.

Coms. Ex. Comstock on Executors.

Comst. Comstock's Reports (1-4 New York Court of Appeals).

Comyns. Comyn's English King's Bench Reports.

Con. Contra; Contracts; Conover's Reports (16-52 Wisconsin); Continuation of Rolle's Reports (2 Rolle); Connell's Sketch of the Law.

Con. Cus. Conroy's Custodian Reports.

Con. Dig. Connor's Irish Digest.

Con. Dig. Ind. Conover's Digested Index (Ohio, Ind., & Ill).

Digitized by Google

Con. Par. Connell on Parishes.

Con. Stat. Consolidated Statutes.

Con. & Law. Connor & Lawson's Irish Chancery Reports.

Con. & Sim. Connor and Simonton's South Carolina Equity Digest.

Cond. Ch. R. (or Eng. Ch.) Condensed English Chancery Reports (American reprint).

Cond. Eccl. Condensed Ecclesiastical reports (American reprint).

Cond. Ex. R. Condensed Exchequer Reports (Price, &c., American reprint).

Cond. Gen. Conductor Generalis.

Cond. Marsh. Condy's edition of Marshall on Insurance.

Cond. Rep. U. S. Peters' Condensed United States Reports.

Conf. Conference Reports (by Cameron and Norwood), North Carolina.

Cong. El. Cas. Congressional Election Cases.

Cong. Gl. Congressional Globe, Washington.

Cong. Min. L. Congdon's Mining Laws of California.

Cong. Rec. Congressional Record, Washington.

Conk. Adm. Conkling's Admiralty Jurisdiction.

Conk. Ex. Pow. Conkling's Executive Powers.

Conk. J. P. Conkling's Iowa Justice of the Peace.

Conk. Treat. (or U. S. Pr.) Conkling's Treatise on Jurisdiction and Practice of the United States Courts.

Conn. Connecticut; Connecticut Reports.

Conover. Conover's Reports (16-52 Wisconsin).

Conr. Conroy's Custodian Reports.

Cons. del M. Consulato del Mare.

Cons. Ord. in Ch. Consolidated General Orders in Chancery.

Consist. Consistory Court.

Consist. Rep. English Consistorial Reports by Haggard.

Const. Constitution; Constitutional Reports, South Carolina, by Mills; Constitutional Reports, South Carolina, by Treadway; Constitutional Reports, Vol. 1, South Carolina, by Harper.

Const Bott. Const's edition of Bott's Poor Laws.

Const. N. S. Constitutional Reports (Mill), South Carolina, New Series.

Const. Oth. Constitutiones Othoni (found at the end of Lyndewood's Provinciale).

Const. S. C. Constitutional Reports, South Carolina, printed by Treadway.

Const. S. C. N. S. S. C. Constitutional Reports, New Series, printed by Mills.

Const. Rep. See Const.

Const. U. S. Constitution of the United States.

Consuet. Feud. Consuetudines Feudorum; or the Book of Feuds.

Cont. Contract; Contra; Continental; Continued by.

Digitized by Google

Conv. Asst. Conveyancer's Assistant.

Conv. Est. Convention of the Estates of Scotland.

Coo. Agr. T. Cooke on Agricultural Tenancies.

Coo. Bankr. Cooke's Bankrupt Laws.

Coo. Cop. Cooke's Law of Copyhold Enfranchisement.

Coo. Def. Cooke's Law of Defamation.

Coo. I. A. Cooke's Inclosure Acts.

Coo. Mort. Coote on Mortgages.

Coo. on Corp. Cook on Corporations.

Coo. & Al. Cooke & Alcock's Irish King's Bench Reports.

Coo. & H. Tr. Cooke & Harwood's Charitable Trust Acts.

Coode Leg. Exp. Coode's Legislative Expression.

Coode Wr. L. Coode on the Written Law.

Cooke. Cooke's Cases of Practice, English Common Pleas; Cooke's Reports, Tennessee.

Cooke Agr. Hold. Cooke on Agricultural Holdings Act.

Cooke Agr. T. Cooke on Agricultural Tenancies.

Cooke B. L. Cooke's Bankrupt Laws.

Cooke Com. Cooke on Rights of Common.

Cooke Cop. Cooke's Law of Copyhold Enfranchisement.

Cooke Def. Cooke on the Law of Defamation.

Cooke High. Cooke's New York Highway Laws.

Cooke I. A. Cooke's Inclosure Act.

Cooke Ins. Cooke on the Law and Practice of Insolvent Courts.

Cooke Pr. Cas. Cooke's Practice Reports, English Common Pleas.

Cooke Pr. Reg. Cooke's Practical Register of the Common Pleas.

Cooke & Al. Cooke & Alcock's Reports, Irish King's Bench.

Cooke & H. Ch. Tr. Cooke & Harwood's Charitable Trust Acts.

Cool. Black. Cooley's edition of Blackstone.

Cool. Con. Law. Cooley's Constitutional Law.

Coll. Con. Lim. Cooley's Constitutional Limitations.

Cool. Mich. Dig. Cooley's Michigan Digest.

Cool Tax. Cooley on Taxation.

Cool. Torts. Cooley on Torts.

Cooley. Cooley's Reports (5-12 Michigan).

Coop. Cooper's Tennessee Chancery Reports; Cooper's English Chancery Reports temp. Eldon; Cooper's English Chancery Reports temp. Cottenham; Cooper's English Chancery Reports temp. Brougham; Cooper's English Practice Cases, Chancery.

Coop. C. C. (or **Cas.**) Cooper's Chancery Cases temp. Cottenham.

Coop. C. & P. R. Cooper's Chancery and Practice Reporter, Upper Canada.

Digitized by Google

Coop. Ch. Cooper's Tennessee Chancery Reports.

Coop. Ch. Pr. Cooper's Chancery Practice.

Coop. Eq. Dig. Cooper's Equity Digest.

Coop. Eq. Pl. Cooper's Equity Pleading.

Coop. For. Ct. Cooper's Effect of a Sentence of a Foreign Court of Admiralty.

Coop. Inst. (or **Just.**). Cooper's Institutes of Justinian.

Coop. Judg. Cooper's Judgment.

Coop. Lib. Cooper's Law of Libel.

Coop. Med. Jur. Cooper's Medical Jurisprudence.

Coop. Pr. Cas. Cooper's Practice Cases, English Chancery.

Coop. Rec. Cooper's Public Records of Great Britain.

Coop. Sel. Ca. Cooper's Select Cases temp. Eldon, English Chancery.

Coop. t. Br. Cooper's Cases temp. Brougham, English Chancery.

Copp. t. Cott. Cooper's Cases, temp. Cottenham, English Chancery.

Coop. t. Eld. Cooper's Cases temp. Eldon, English Chancery.

Coop. Ten. Chy. Cooper's Tennessee Chancery Reports.

Cooper. Cooper, see Coop., above.

Coote Adm. Coote's Admiralty Practice.

Coote Ecc. Pr. Coote's Ecclesiastical Court Practice.

Coote L. & T. Coote's Law of Landlord and Tenant.

Coote Mor. Coote on Mortgages.

Coote Pro. Pr. Coote's Practice of the Probate Court.

Coote & Tr. Pr. Pr. Coote's Probate Court Practice, edited by Tristam.

Cop. Cop. Copinger on Copyright.

Cop. Ind. Pr. Copinger's Index to Precedents.

Cop. Tit. D. Copinger on Title Deeds.

Copp. Ct. Mar. Coppe's Manual for Courts-Martial.

Copp Min. Dec. Copp's United States Mining Decisions.

Copp Pub. L. L. Copp's United States Public Land Laws.

Cor. Coram; Coryton's Bengal Reports.

Cor. Pat. Coryton on Patents.

Corb. & Dan. Corbett & Daniel's English Election Cases.

Cord Mar. Wom. Cord on Legal and Equitable Rights of Married Women.

Cord. Sol. Cordery on Solicitors.

Corn. Dig. Cornwell's Digest.

Corn. Pr. Corner's Queen's Bench Practice.

Corn. Pur. D. Cornish on Purchase Deeds.

Corn. Rem. Cornish on Remainders.

Corn. Us. Cornish on Uses.

Corn. Wr. Corner's Forms of Writs on the Crown Side.

Cornw. Tab. Cornwall's Table of Precedents.

Digitized by Google

Corp. Jur. Can. Corpus Juris Canonici.

Corp. Jur. Civ. Corpus Juris Civilis.

Corp. Jur. Germ. Corpus Juris Germanici.

Corp. Leg. Nat. Corporations, Legal Nature of.

Corvin. El. Corvinus' Elementa Juris Civilis.

Corv. Jus. Corvinus' Jus Feodale.

Cory Acc. Cory on Accounts.

Cory. Cop. Coryton on Copyrights.

Cory. Pat. Coryton on Patents.

Cory. St. R. Coryton on Stage Rights.

Coryton. Coryton's Reports, Calcutta High Court.

Cos. Consul.

Coss. Consules.

Cot. Court.

Cot. Abr. Cotton's Abridgment of the Records.

Coth. Stat. Cothran's Annotated Statutes of Illinois.

Coul. & F. Wat. Coulston & Forbes on Waters.

Count. Cts. Ch. County Courts Chronicle, London.

Court. & Macl. Courtenay & Maclean's Scotch Appeals (6 and 7 Wilson & Shaw).

Cout. de N. Coutumes de Normandie.

Cout. de P. Coutumes de Paris.

Cov. Conv. Ev. Coventry on Conveyancers' Evidence.

Cov. Mort. Coventry on Mortgage Precedents.

Cov. Rec. Coventry on Recoveries.

Cov. & H. Dig. Coventry & Hughes' Digest of the Common Law Reports.

Cow. Cowen's New York Reports; Cowper's English K. B. Reports.

Cow. Att. Cowan on Warrants of Attachment.

Cow. Cr. L. Cowen's New York Criminal Law.

Cow. Cr. Rep. Cowen's Criminal Reports, New York.

Cow. Dig. Cowell's (East) Indian Digest; Digest to Cowen's New York Reports.

Cow. Inst. Cowell's Institutiones Juris Anglicani.

Cow. Int. Cowell's Interpreter of the Law (Law Dictionary).

Cow. Just (or **J. P.**) Cowen's New York Justice of the Peace.

Cow. L. R. Cowan's Land Rights in Scotland.

Cow. Law Dict. Cowell's Law Dictionary (or Interpreter).

Cow. N. Y. Cowen's New York Reports.

Cow. Scot. Land. Cowan on Land Rights of Scotland.

Cow. Tr. Cowen's New York Treatise on Justices of the Peace.

Cowd. L. Enc. Cowdery's Law Encyclopedia (California).

Cowell. Cowell's Interpreter (Law Dictionary).

Cowp. Cowper's English King's Bench Reports.

Digitized by Google

Cowp. Cas. Cowper's Cases, in the third volume of reports in Chancery.

Cowp. Ins. Cowperthwaite on Insanity in its Medico-Legal Relations.

Cox. Cox's English Chancery Reports; Cox's English Criminal Cases; Cox's Reports (25-27 Arkansas).

Cox Adv. Cox's Advocate.

Cox Am. T. M. Cas. Cox's American Trade Mark Cases.

Cox Anc. L. Cox on the Law and Science of Ancient Lights.

Cox C. C. Cox's English Criminal Cases.

Cox C. L. Pr. Cox's Common Law Practice.

Cox Ch. Cox's English Chancery Cases.

Cox Ch. Pr. Cox's Chancery Practice.

Cox Cr. Ca. Cox's English Criminal Cases.

Cox Elect. Cox on Ancient Parliamentary Elections.

Cox Gov. (or **Inst.**) Cox's Institutions of the English Government.

Cox J. S. Cas. Cox's Joint Stock Cases.

Cox J. S. Comp. Cox on Joint Stock Companies.

Cox M. C. Cox's Magistrate Cases.

Cox Man. Tr. M. Cox's Manual of Trade Mark Cases.

Cox, Mc. & H. Cox, McCrae & Hertslet's English County Court Reports.

Cox Pun. Cox's Principles of Punishment.

Cox Ques. Cox's Questions for the Use of Students.

Cox Reg. Cox's Practice of Registration and Elections.

Cox Tr. M. Cox's Manual of Trade Mark Cases.

Cox Tr. M. Ca. Cox's American Trade Mark Cases.

Cox & Atk. Cox & Atkinson, English Registration Appeal Reports.

Cox & S. Cr. L. Cox & Saunders on the Criminal Law.

Coxe. Coxe's Reports, New Jersey.

Coxe Bract. Coxe's Translation of Guterbach's Bracton.

Cr. Cranch's Reports, United States Supreme Court; Cranch's United States Circuit Court Reports; Criticized; Crown.

Cr. C. A. Crown Circuit Assistant.

Cr. C. C. Cranch's United States Circuit Court Cases (Reports).

Cr. Cas. Res. Crown Cases Reserved.

Cr. J. F. Craig's Jus Feudale, Scotland.

Cr. M. & R. Crompton, Meeson & Roscoe's English Exchequer Reports.

Cr. Pat. Dec. Cranch's Decisions on Patent Appeals.

Cr. S. & P. (or **Cr. & St.**) Craigie Stewart & Paton's Scotch Appeal Cases.

Cr. & Dix. Crawford & Dix's Irish Circuit Court Cases.

Cr. & Dix Ab. Cas. Crawford & Dix's (Irish) Abridged Cases.

Digitized by Google

Cr. & M. Crompton & Meeson's English Exchequer Reports.

Cr. & Ph. Craig & Phillips' English Chancery Reports.

Cra. N. Y. Pr. Crary's New York Practice, Special Pleading.

Crabb C. L. Crabb's History of the Common Law.

Crabb Conv. Crabb's Treatise on Conveyancing.

Crabb Dig. Stat. Crabb's Digest of Statutes.

Crabb Eng. L. Crabb's History of the English Law.

Crabb Prec. Crabb's Precedents in Conveyancing.

Crabb R. P. Crabb on Real Property.

Crabbe. Crabbe's United States District Court Reports.

Craig. Jus Feud. Craigius' Jus Feudale.

Craig Pr. Craig's Practice.

Craig Tr. & W. Craig on Trees and Woods.

Craig & Ph. Craig & Phillips' English Chancery Reports.

Craig. & St. (or **Craig. St. & Pat.**) Craigie, Stewart & Paton's Scotch Appeals Cases.

Craik C. C. Craik's English Causes Celebres.

Cranch. Cranch's United States Supreme Court Reports.

Cranch C. C. (or **D. C.**) Cranch's U. S. Circuit Court Reports, District of Columbia.

Cranch Pat. Dec. Cranch's Patent Decisions.

Crar. Pr. Crary's New York Practice (Special Pleading).

Craw. & D. Crawford & Dix's Circuit Court Cases, Ireland.

Craw. & D. Ab. Cas. Crawford & Dix's Abridged Cases, Ireland.

Creas. Col. Const. Creasy's Colonial Constitution.

Creas. Eng. Cons. Creasy's Rise and Progress of the English Constitution.

Creas. Int. L. Creasy on International Law.

Cress. Ins. Ca. Cresswell's English Insolvency Cases.

Crim. Code. Criminal Code.

Crim. Con. Criminal Conversation.

Crim. L. Mag. Criminal Law Magazine, Jersey City, N. J.; Criminal Law Magazine, Newark, N. J.

Crim. Rec. Criminal Recorder, Philadelphia; Criminal Recorder, London; Criminal Recorder (1 Wheeler's New York Criminal Reports).

Cripp Ch. L. (or **Ecc. L.**) Cripp's Church Law.

Cripp Ch. Cas. Cripp's Church and Clergy Cases.

Cripp Comp. Cripp on Compensation.

Critch. Critchfield's Reports (5-21 Ohio State).

Cro. Croke's English King's Bench Reports; Keilway's English King's Bench Reports.

Cro. Car. Croke's English King's Bench Reports temp. Charles I. (3 Cro.)

Digitized by Google

Cro. Eliz. Croke's English King's Bench Reports temp. Elizabeth (1 Cro.).

Cro. Jac. Croke's English King's Bench Reports temp. James (Jacobus) I. (2 Cro.)

Crock. Cor. Crocker on the Duties of Coroners in New York.

Crock. Forms. Crocker's Notes on Common Law Forms (Massachusetts).

Crock. Notes. Crocker's Notes on the Public Statutes of Massachusetts.

Crock. Sh. Crocker on Sheriffs and Constables.

Crockford. English Maritime Law Reports, published by Crockford.

Croke. See Cro., above.

Cromp. Star Chamber Cases by Crompton.

Cromp. Cts. (or **J. C.**) Crompton on the Jurisdiction of Courts.

Cromp. Just. Crompton's Office of Justice of the Peace.

Cromp. M. & R. Crompton, Meeson & Roscoe's English Exchequer Reports.

Cromp. R. & C. Pr. Crompton's Rules and Cases of Practice.

Cromp. & F. Fitzherbert's Justice, enlarged by Crompton.

Cromp. & Jerv. Crompton & Jervis's English Exchequer Reports.

Cromp. & Mees. Crompton & Meeson's English Exchequer Reports.

Cros. Wills. Crosley on Wills.

Cross Lien. Cross on Liens and Stoppage in Transitu.

Crosw. P. C. Croswell's Patent Cases.

Crounse. Crounse's Reports (3 Nebraska).

Crown C. C. Crown Circuit Companion.

Crowther. Crowther's Ceylon Reports.

Cru. Dig. Cruise's Digest of Law of Real Property.

Cru. Dign. Cruise on the Origin and Nature of Dignities.

Cru. Fin. Cruise's Fines and Recoveries.

Cru. Titl. Cruise on Titles of Honor.

Cru. Us. Cruise on Uses.

Crump Jud. Pr. Crump's Judicature Practice.

Crump Mar. Ins. Crump on Marine Insurance.

Crump S. & Pl. Crump on Sale and Pledge.

Crumrine. Pittsburgh Reports, edited by Crumrine.

Ct. Court; Circuit.

Ct. App. Court of Appeals.

Ct. Cl. Court of Claims, United States.

Ct. Err. Court of Error.

Ct. Gen. Ses. Court of General Sessions.

Ct. Rev. Court of Review.

Ct. Sess. Court of Sessions, Scotch.

Ct. Spec. Ses. Court of Special Sessions.

Cudd. Copyh. Cudden on the Copyhold Acts.

Digitized by Google

Cul. Culpabilis (guilty).

Cull. B. L. Cullen's Bankrupt Law.

Cum. & Dun. Rem. Tr. Cummins & Dunphy's Remarkable Trials.

Cum. Civ. L. Cummins' Manual of Civil Law.

Cummins. Cummins' Idaho Reports.

Cumb. Nat. Cumberland's Law of Nature.

Cun. (or **Cunn.**) Cunningham's English King's Bench Reports.

Cun. Bills. Cunningham's Bills, Notes and Insurances.

Cun. Dict. Cunningham's Law Dictionary.

Cun. Hind. L. Cunningham on Hindu Law.

Cun. L. D. Cunningham's Law Dictionary.

Cun. Pl. Cunningham's Maxims and Rules of Pleading.

Cun. Sim. Cunningham on Simony.

Cur. Curtis' United States Circuit Court Reports; Curia.

Cur. Ab. Tit. Curwen's Abstract of Titles.

Cur. adv. vult. Curia advisare vult.

Cur. Bl. Curry's Abridgment of Blackstone.

Cur. Cr. Proc. Indian Code of Criminal Procedure, Curries' edition.

Cur. Dec. Curtis' Decisions, United States Supreme Court.

Cur. Ov. Ca. Curwen's Overruled Cases, Ohio.

Cur. Phil. Curia Phillipica.

Cur. Scacc. Cursus Scaccarii.

Cur. Stat. Curwen's Ohio Statutes.

Curry. Curry's Reports (16-19 Louisiana).

Curs. Can. Cursus Cancellariæ.

Curt. Curtis' United States Circuit Court Reports; Curtis' English Ecclesiastical Reports.

Curt. Adm. Dig. Curtis' Admiralty Digest.

Curt. C. C. Curtis' United States Circuit Court Decisions.

Curt. Com. Curtis' Commentaries on United States Courts.

Curt Cond. Curtis' (Condensed) Decisions, United States Supreme Court.

Curt. Conv. Curtis' American Conveyancer.

Curt. Cop. Curtis on Copyrights.

Curt. Dec. Curtis' United States Supreme Court Decisions.

Curt. Dig. Curtis' Digest of United States Decisions.

Curt. Ecc. Curteis' English Ecclesiastical Reports.

Curt. Eq. Pr. Curtis' Equity Precedents.

Curt. Jur. Curtis on the Jurisdiction of United States Courts.

Curt. Mer. Sea. Curtis' Rights and Duties of Merchant Seamen.

Curt. Pat. Curtis on Patents.

Curt. U. S. Const. Curtis' History of the Constitution of the United States.

Curt. U. S. Courts. Curtis' Commentaries on the United States Courts.

Digitized by Google

Curtis. Curtis' United States Circuit Court Reports.

Curw. Abs. Tit. Curwen on Abstracts of Title.

Curw. Ov. Cas. Curwen's Overruled Cases, Ohio.

Cush. Cushing's Massachusetts Reports; Cushman's Mississippi Reports.

Cush. Elec. Cas. Cushing's Election Cases in Massachusetts.

Cush. Leg. Ass. Cushing's Law and Practice of Legislative Assemblies.

Cush. Man. Cushing's Manual of Parliamentary Law.

Cush. Parl. Law. Cushing's Law and Practice of Legislative Assemblies.

Cush. Rom. Law. Cushing's Study of the Roman Law.

Cush. Trust. Pr. Cushing on Trustee Process.

Cushing. Cushing's Massachusetts Reports.

Cushman. Cushman's Mississippi Reports.

Cut. Ins. L. Cutler's Insolvent Laws of Massachusetts.

Cut. Leg. Sys. Cutler's Legal System of the English, the Hindoos, etc.

Cut. Nat. Cutler on Naturalization Laws.

Cut. Sett. Cutler on Settlements.

D.

D. Denied; Doubted; Decimus; Decree; Decret; Dictum or Dicta; Dictionary (particularly Morison's Dictionary of Scotch Session Cases); Digest (particularly the Digest of Justinian); Divus; Delaware; Dallas' United States and Pennsylvania Reports; Denio's Reports, New York; Dunlop, Bell & Murray's Reports, Scotch Session Cases (second series).

D. Abr. D'Anvers' Abridgment.

D'Agu. Œuv. D'Aguesseau, Œuvres.

D. B. Domesday Book.

D. C. District Court; District of Columbia.

D. C. A. Divisional Court of Appeal, England.

D. C. D. Comyn's Digest, by Day.

D. C. L. Doctor of the Civil Law.

D. Chip. D. Chipman's Reports, Vermont.

D. D. Dono dedit; Doctor of Divinity.

D. D. D. D. Dignum Deo donum dedit.

D. Dec. Dix's School Law Decisions, New York.

D. F. & J. De Gex, Fisher & Jones' English Chancery Reports.

D. F. & J. B. De Gex, Fisher & Jones' English Bankruptcy Reports.

D. G. De Gex; De Gex's English Bankruptcy Reports.

Digitized by Google

D. J. & S. De Gex, Jones & Smith's English Chancery Reports.

D. J. & S. B. De Gex, Jones & Smith's English Bankruptcy Reports.

D. M. & G. De Gex, Macnaghten & Gordon's English Chancery Reports.

D. M. & G. B. De Gex, Macnaghten & Gordon's English Bankruptcy Reports.

D. N. S. Dowling's Reports, New Series, English Bail Court; Dow, New Series (Dow & Clark, English House of Lords Cases).

D. P. Domus Procerum (House of Lords).

D. Pr. Darling's Practice, Scotch Court of Sessions.

D. P. D. Dampier Paper Book, in Lincoln's Inn Library.

D. P. C. Dowling's English Practice Cases.

D. P. L. Dunlop's Parochial Law.

D. R. Deputy Remembrancer.

D. S. Deputy Sheriff; Dalton on Sheriffs; Doctor and Student.

D. S. B. Debit sans breve.

D. & B. Dearsly & Bell's English Crown Cases.

D. & B. Pr. Pr. Dodd & Brook's Probate Practice.

D. & C. Dow & Clark's English House of Lords (Parliamentary) Cases. Debtor and Creditor.

D. & Ch. Deacon and Chitty's English Bankruptcy Reports.

D. & E. Durnford & East's (Term) Reports, English King's Bench.

D. & J. De Gex & Jones' English Chancery Reports.

D. & J. B. De Gex & Jones' English Bankruptcy Reports.

D. & K. Int. Rev. Davidge & Kimball Compendium of Internal Revenue.

D. & L. Dowling & Lowndes' English Bail Court Reports.

D. & M. Davison & Merivale's English Queen's Bench Reports.

D. & R. Dowling & Ryland's English King's Bench Reports.

D. & R. M. C. Dowling & Ryland's English Magistrates' Cases.

D. & R. N. P. Dowling & Ryland's English Nisi Prius Cases.

D. & S. Doctor and Student; Drewry & Smale's Chancery Reports.

D. & W. Drury & Walsh's Irish Chancery Reports; Drury & Warren's Irish Chancery Reports.

Da. Dakota; Dakota Territory Reports.

Da. & Bos. Darby & Bosanquet's Statute of Limitations.

Dag. Cr. L. Dagge's Criminal Law.

Dag. Ct. M. D'Aguilar on Courts-Martial.

Dahl. Mar. Int. L. Dahlgren's Maritime International Law.

Dai. Reg. New York Daily Register.

Dak. Dakota; Dakota Territory Reports.

Dal. Dallas's United States Reports; Dalison's English Com-

Digitized by Google

mon Pleas Reports (bound with Benloe); Dalrymple's Scotch Session Cases.

Dal. Sh. Dalton on Sheriffs.

Dale Cl. H. B. Dale's Clergyman's Legal Handbook.

Dale Leg. Rit. Dale's Legal Ritual (Ecclesiastical) Reports.

Dall. Dallas' Pennsylvania and United States Reports; Dallas' Styles, Scotland; Dallas' Laws of Pennsylvania.

Dall. Coop. Dallas' Report of Cooper's Opinion on the Sentence of a Foreign Court of Admiralty.

Dall. Dec. (or **Dall. Dig.**) Dallam's Texas Decisions, printed originally in Dallam's Digest.

Dall. in Keil. Dallison in Keilway's Reports, English King's Bench.

Dall. L. Dallas' Laws of Pennsylvania.

Dall. S. C. Dallas' United States Supreme Court Reports.

Dall. Sty. Dallas' Styles, Scotland.

Dallas. Dallas' Pennsylvania and United States Reports.

Dalr. Dalrymple's Decisions. Scotch Court of Session; (Dalrymple of) Stair's Decisions, Scotch Court of Session; (Dalrymple of) Hailes' Scotch Session Cases.

Dalr. Ent. Dalrymple on the Polity of Entails.

Dalr. Feu. Pr. Dalrymple's Feudal Property in Great Britain.

Dalr. Ten. Dalrymple on Tenures.

Dalrymple. (Sir Hew) Dalrymple's Scotch Session Cases; (Sir David Dalrymple of) Hailes' Scotch Session Cases; (Sir James Dalrymple of) Stair's Scotch Session Cases; see also Dal.

Dalt. Just. Dalton's Country Justice.

Dalt. Sh. Dalton's Sheriff.

Daly. Daly's New York Common Pleas Reports.

Daly May. Ct. Daly's Hand-Book of Practice in the Lord Mayor's Court.

Daly Sur. Daly's Nature, &c., of Surrogate's Courts, New York.

Dan. Daniell's Exchequer and Equity Reports; Dana's Kentucky's Reports; Danner's Reports (42 Alabama).

Dan. Abr. Daniel's Abridgment of American Law.

Dan. Att. Daniel's Law of Attachment.

Dan. Ch. Daniell's Chancery Practice.

Dan. Forms. Daniell's Chancery Forms.

Dan. Neg. Ins. Daniel's Negotiable Instruments.

Dan. Ord. Danish Ordinances.

Dan. T. M. Daniel on Trade Marks.

Dan. & Ll. Danson & Lloyd's Mercantile Cases.

Dana. Dana's Kentucky Reports.

Dana Wh. Dana's edition of Wheaton's International Law.

Dane Abr. Dane's Abridgment of American Law.

Digitized by Google

Danner. Danner's Reports .(42 Alabama).

Dans. & L. Danson & Lloyd's English Mercantile Cases.

Danv. Abr. D'Anver's Abridgment of Law.

Darb. & B. Lim. Darby & Bosanquet on Limitations.

Dart. Col. Ca. Dartmouth College Case.

Dart Vend. Dart on Vendors and Purchasers.

Darw. Cr. L. Darwin's Criminal Law.

Das. Dasent's Bankruptcy and Insolvency Reports; also Common Law Reports, Vol. 3.

Dass. Stat. Dassler's Kansas Statutes.

Dav. Daveis' United States District Court Reports (now republished as 2 Ware); Davy's or Davies' Irish King's Bench and Exchequer Reports; Davies' English Patent Cases; Davis' Reports (Abridgment of Sir Ed. Coke's Reports); Davis' Hawaiian Reports.

Dav. Ann. Davies on Annuities.

Dav. B. & B. Davidson on Banks and Banking, Canada.

Dav. Bdg. Soc. Davis on Building Societies.

Dav. Can. Davis' English Church Canons.

Dav. Coke. Davis' Abridgment of Coke's Reports.

Dav. Conv. Davidson's Precedents in Conveyancing.

Dav. Cr. Cons. Davis' Criminal Law Consolidation Acts.

Dav. Cr. Law. Davis' Criminal Law.

Dav. Elec. Davis' Law of Registration and Election.

Dav. Eng. Ch. Can. Davis' English Church Canon.

Dav. Fr. Merc. Law. Davies on French Mercantile Law.

Dav. Fr. Soc. Davis on Friendly Societies and Trade Unions.

Dav. Ind. Dig. Davis' Indiana Digest.

Dav. Ind. Soc. Davis on Industrial and Provident Societies.

Dav. Jus. Davis' Justice of the Peace.

Dav. Lab. L. Davis on the Labor Laws.

Dav. M. & S. Davis' Law of Master and Servant.

Dav. Pat. Cas. Davies' English Patent Cases.

Dav. Prec. Conv. Davidson's Precedents in Conveyancing.

Dav. Prec. Ind. Davis' Precedents of Indictment.

Dav. Reg. Davidson on Registration and Elections.

Dav. Tr. Un. Davis' Trade Unions.

Dav. & Dic. Pr. Davidson & Dicey's Concise Precedents in Conveyancing.

Dav. & Kim. I. R. L. Davidge & Kimball's Internal Revenue Laws.

Dav. & Mer. Davison & Merivale's Reports, Queen's Bench.

Daveis. Daveis' United States District Court Reports (Ware, Vol. 2).

Digitized by Google

Davies. Davies' (or Davis', or Davys') Irish King's Bench Reports.

Davis. Davis' Hawaiian Reports; Davies' (or Davys') Irish King's Bench Reports.

Davis Bdg. Davis' Law of Building Societies.

Daw. Ar. Dawe on Arrest in Civil Cases.

Daw. Att. Dawson's Attorneys.

Daw. Cr. & Pun. Dawes on Crimes and Punishments.

Daw. Land. Pr. Dawe's Epitome of the Law of Landed Property.

Daw. Or. Leg. Dawson's Origo Legum.

Daw. Real Pr. Dawe's Real Estate Law.

Dax Exch. Pr. Dax's Exchequer Precedents.

Dax Mast. Pr. Dax's Practice in the Offices of the Masters.

Day. Day's Connecticut Reports; Connecticut Reports, proper, reported by Day.

Day Pr. Day's Common Law Practice.

Day. (or Dayt.) Sur. Dayton's Law of Surrogates.

De B. Mar. Int. L. De Burgh's Maritime International Laws.

De Col. Guar. De Colyar's Law of Guaranty.

D'Ewes J. D'Ewes' Journal and Parliamentary Collection.

De F. Min. De Fooz on Mines.

De Gex. De Gex's English Bankruptcy Reports.

De G. F. & J. De Gex, Fisher & Jones' English Chancery Reports.

De G. F. & J. By. De Gex, Fisher & Jones' English Bankruptcy Appeals.

De G. J. & S. De Gex, Jones & Smith's English Chancery Reports.

De G. J. & S. By. De Gex, Jones & Smith's English Bankruptcy Appeals.

De G. M. & G. De Gex, Macnaghten & Gordon's English Chancery Reports.

De G. M. & G. By. De Gex, Macnaghten & Gordon's English Bankruptcy Appeals.

De G. & J. De Gex & Jones' English Chancery Reports.

De G. & J. By. De Gex & Jones' English Bankruptcy Appeals.

De G. & Sm. De Gex & Smales' English Chancery Reports.

De H. M. L. De Hart's Military Law and Courts-Martial.

De Jure Mar. Malloy's De Jure Maritimo.

De L. Const. De Lolme on the English Constitution.

De Witt. De Witt's Reports (24-36 Ohio State).

Dea. Deady's United States District Court Reports.

Dea. & Sw. Deane & Swabey's Reports, Probate and Divorce.

Deac. Deacon's English Bankruptcy Reports.

Deac. Bank. Pr. Deacon's Bankruptcy Law and Practice.

Digitized by Google

Deac. Cr. L. Deacon on the Criminal Law of England.

Deac. Dig. Deacon's Digest of the Criminal Law.

Deac. & Chit. Deacon & Chitty's English Bankruptcy Reports.

Dead. Or. Laws. Deady & Lane's Oregon General Laws.

Deady. Deady's United States Circuit Court Reports.

Dean Med. Jur. Dean's Medical Jurisprudence.

Deane. Deane (& Swabey's) English Probate & Divorce Reports; Deane's Reports (24-26 Vermont).

Deane Bl. Deane's Law of Blockade.

Deane Conv. Deane's Principle of Conveyancing.

Deane Ecc. Rep. Deane & Swabey's English Ecclesiastical Reports.

Deane Neut. Deane on the Effect of War as to Neutrals.

Deane & Sw. Deane & Swabey's English Ecclesiastical Reports.

Dears. C. C. Dearsley's English Crown Cases.

Dears. & B. C. C. Dearsly & Bell's English Crown Cases.

Dearsl. Cr. Pr. Dearsly on Criminal Process.

Deas & And. Deas & Anderson's Reports, Scotch Court of Session.

Deas Ry. Deas on the Law of Railways in Scotland.

Deb. Jud. Debates on the Judiciary.

Dec. Decision; Decree; Decretal.

Dec. Col. Coleccion de los Decretos.

Dec. Com. Pat. Decisions of the Commissioner of Patents.

Dec. Fern. Decretos del Fernando, Mexico.

Dec. Jt. Com. Decisions of Joint Commission.

Dec. t. H. & M. Decisions in Admiralty tempore Hay and Marriott.

Decretal. The Decretalia of the Canon Law.

Dees Ins. Dees on the Law of Insolvent Debtors.

Deft. Defendant.

Dog. (or Degge). Degge's Parson's Counsellor and Law of Tithes.

Del. Delaware Reports; Delane's English Revision Cases.

Del. Ch. Delaware Chancery Reports, by Bates.

Del. Const. De Lolme on the English Constitution.

Del. Cr. Cas. Delaware Criminal Cases, by Houston.

Del. Ct. M. Delafon on Naval Courts-Martial.

Del. El. Cas. Delane's English Election (Revision) Cases.

Del. P. M. Ex. Delafield on Post Mortem Examinations.

Deleg. Court of Delegates.

Dem. Cond. Etran. Demangeat's Condition Civile, Etrangers en France.

Den. Denio's New York Reports; Denis' Reports (32 Louisiana Annual).

Digitized by Google

Den. C. C. Denison's English Crown Cases.

Den. & P. Denison & Pearce's English Crown Cases (2 Denison).

Den. & Sc. Pr. Denison & Scott's House of Lords Appeal Practice.

Denio. Denio's New York Reports.

Des. Desty (see Dest.); Desaussure's South Carolina Equity Reports.

Desaus. Eq. Desaussure's South Carolina Equity Reports.

Dest. Cal. Cit. Desty's California Citations.

Dest. Cal. Dig. Desty's California Digest.

Dest. Com. & Nav. Desty on Commerce and Navigation.

Dest. Cr. L. Desty's Criminal Law.

Dest. Fed. Cit. Desty's Federal Citations.

Dest. Fed. Cons. Desty on the Federal Constitution.

Dest. Fed. Proc. Desty's Federal Procedure.

Dest. Sh. & Adm. Desty on Shipping and Admiralty.

Dev. Devereux's North Carolina Law Reports; Devereux's Reports United States Court of Claims.

Dev. C. C. Devereux's Reports, United States Court of Claims.

Dev. Eq. Devereux's North Carolina Equity Reports.

Dev. Kin. Bl. Devereux's Kinne's Blackstone.

Dev. Kin. Kent. Devereux's Kinne's Kent.

Dev. L. (or Dev. N. B.) Devereux's North Carolina Law Reports.

Dev. & Bat. Devereux's Battle's North Carolina Law Reports.

Dev. & Bat. Eq. Devereux & Battle's North Carolina Equity Reports.

Dew. Div. Dewey on Divorce Law.

Dew. St. Dewey's Compiled Statutes of Michigan.

Dewitt. De Witt's Reports (24-36 Ohio State).

Di. (or Dy.) Dyer's English Report's, King's Bench.

Dial. Sc. Dialogue de Scaccario.

Dibb F. Dibb's Forms of Memorials.

Dic. Dom. Dicey on Domicil.

Dic. Par. Dicey on Parties to Actions.

Dice. Dice's Reports (71-73 Indiana).

Dick. Dickens' English Chancery Reports.

Dick. Black. Dickson's Analysis of Blackstone's Commentaries.

Dick. Eq. Pr. Dickinson's Equity Precedents (New Jersey).

Dick. Ev. Dickson's Law of Evidence in Scotland.

Dick. Just. Dickinson's Justice.

Dick. Kent. Dickson's Analysis of Kent's Commentaries.

Dick. Quar. Ses. Dickinson's Practical Guide to the Quarter Sessions.

Digitized by Google

Dict. Dictionary.

Dict. C. F. Dictionnaire des Codes Francais.

Dict. de Jur. Dictionnaire de Jurisprudence.

Dict. Dr. Com. Dictionnaire Droit Commercial.

Dict. Nat. Dictionnaire du Notariat.

Dig. Digest; Digest of Writs; the Pandects, or Justinian's Digest of the Civil Law.

Dig. L. L. Digest Law of Libels.

Dig. R. Pr. Digby's Introduction to the History of Real Property.

Dig. Shares. Digby's Sales and Transfer of Shares.

Dill. Dillon's United States Circuit Court Reports.

Dill. Ir. Jud. A. Dillon on the Irish Judicature Act.

Dill. Mun. Cor. Dillon on Municipal Corporations.

Dill. Mun. Bonds. Dillon on Municipal bonds.

Dill. Rem. Caus. Dillon on the Removal of Causes.

Dib. Cor. Diplomatic Correspondence of the United States, edited by Sparks.

Dirl. Dirleton's Decisions, Court of Session.

Dirl. D. Dirleton's Doubts and Questions in the Law.

Disn. Disney's Ohio Superior Court Reports.

Disn. Gam. Disney's Law of Gaming.

Diss. ad Flet. Selden's Dissertatio ad Fletam.

Dist. Col. District of Columbia.

Dist. Ct. District Court.

Div. Division.

Div. & Mat. Ct. Divorce and Matrimonial Causes Court.

Dix. Av. Dixon on General Average.

Dix. Dec. Dix's School Law Decisions, New York.

Dix. Farm. Dixon's Law of the Farm.

Dix. Mar. Ins. Dixon's Marine Insurance and Average.

Dix. Mar. Law. Dixon's Abridgment of the Maritime Law.

Dix. Part. Dixon's Law of Partnership.

Dix. Pr. Dixon on Probate Law.

Dix. Ship. Dixon's Law of Shipping.

Dix. Subr. Dixon's Law of Subrogation.

Dix. Tit. D. Dixon on Title Deeds.

Doct. Dem. Doctrine of Demurrers.

Doct. Pl. Doctrina Placitandi.

Doct. & St. Doctor and Student.

Dod. (or **Dods.**) Dodson's English Admiralty Reports.

Dod. Ant. Parl. Doderidge on the Antiquity and Power of Parliaments.

Dod. Eng. Law. Doderidge's English Lawyer.

Dod. Law. L. Doderidge's The Lawyer's Light.

Dod. Nobility. Doderidge's Nobility.

Digitized by Google

Dodd Bur. Fees. Dodd on Burial and other Church Fees.

Dodd & Br. Pr. Pr. Dodd & Brook's Probate Court Practice.

Dom. Dominus; Domat.

Dom. Boc. Domesday Book.

Dom. Civ. Law. Domat's Civil Law.

Dom. Proc. Domus Procerum, House of Lords.

Domes. Domesday Book.

Don. Tr. Donovan's Modern Jury Trials.

Donn. Donnelly's Reports, English Chancery; Donnell's Irish Land Cases.

Dor. Bank. Doria's Law and Practice of Bankruptcy.

Dor. Ins. Dorsay's Law of Insolvency.

Dor. Md. Laws. Dorsey's Maryland Laws.

Doug. Douglas' Michigan Reports; Douglas' English King's Bench Reports; Douglas' English Election Cases.

Doug. El. Ca. Douglas' English Election Cases.

Dout. Pr. Doutre, Procedure Civile de Bas Canada.

Dow. (or **Dow. P. C.**) Dow's House of Lords (Parliamentary) Cases; Dowling's English Practice Cases.

Dow. Inc. Dowell on the Income Tax.

Dow. St. Dowell on Stamp Duties.

Dow & C. Dow & Clark's English House of Lord's Cases.

Dow. & L. Dowling & Lowndes' English Bail Court Reports.

Dow. & Ry. Dowling & Ryland's English King's Bench Reports; Dowling & Ryland's English Nisi Prius Cases.

Dow. & Ry. M. C. Dowling & Ryland's English Magistrates' Cases.

Dow. & Ry. N. P. Dowling & Ryland's English Nisi Prius Cases. (Often bound at end of Vol. 1., Dowl. & Ryl. K. B. Rep.)

Dow N. S. Dow & Clark's English House of Lords Cases.

Dowd. Ins. Dowdeswell on Life and Fire Insurance.

Dowl. (or **Dowl. P. C.**) Dowling's English Bail Court (Practice) Cases.

Dowl. N. S. Dowling's English Bail Court Reports, New Series.

Dowl. Pr. Dowling's Common Law Practice.

Dowl. & Lownd. Dowling & Lowndes' English Practice Cases.

Dowl. & Ryl. Dowling & Ryland's English King's Bench Reports.

Dowl. & Ryl. M. C. Dowling & Ryland's English Magistrates' Cases.

Dowl. & Ryl. N. P. Dowling & Ryland's English Nisi Prius Cases.

Dr. Drewry's English Vice-Chancellors' Reports; Drury's Irish Chancery Reports temp. Sugden; Drury's Irish Chancery Reports temp. Napier.

Dr. Att. Drake on Attachment.

Digitized by Google

Dr. C. Ec. Droit Civil Ecclesiastique.

Dr. & Sm. Drewry & Smale's English Vice-Chancellors' Reports.

Dr. & Wal. Drury & Walsh's Irish Chancery Reports.

Dr. & War. Drury & Warren's Irish Chancery Reports.

Dra. Dow. Draper on Dower.

Drake Att. Drake on Attachment.

Draper. Draper's Upper Canada King's Bench Reports.

Dres. Int. Rev. Dresser on Internal Revenue Laws.

Drew. Drewry's English Vice Chancellors' Reports; Drew's Reports (13 Florida).

Drew. Ch. F. Drewry's Chancery Forms.

Drew. Eq. Pl. Drewery's Equity Pleading.

Drew. Inj. Drewry on Injunctions.

Drew. Pat. Drewry on Patents.

Drew. Tr. M. Drewry on Trade Marks.

Drew. & Sm. Drewry & Smale's English Vice Chancellors' Reports.

Drink. Drinkwater's English Common Pleas Reports.

Droit, C. C. LeDroit Civil Canadian.

Drone Cop. Drone on Copyrights.

Dru. Drury's Irish Chancery Reports temp. Sugden.

Dru. t. Nap. Drury's Irish Chancery Reports temp. Napier.

Dru. & Wal. Drury & Walsh's Irish Chancery Reports.

Dru. & War. Drury & Warren's Irish Chancery Reports.

Duane Nat. Duane on the Law of Nations.

Duane Road L. Duane's Road Laws of Pennsylvania.

Dud. Dubitatur; Dubitante.

Duc. Gl. Ducange's Glossarium.

Dud. (Geo.) Dudley's Georgia Reports.

Dub. Ch. (or Eq.) Dudley's South Carolina Equity Reports.

Dud. L. (or S. C.) Dudley's South Carolina Law Reports.

Duer. Duer's New York Superior Court Reports.

Duer. Const. Jur. Duer's Constitutional Jurisprudence.

Duer Mar. Ins. Duer's Marine Insurance.

Duer Rep. Duer on Representation.

Duff Conv. Duff on Conveyancing, Scotland.

Dug. Orig. Dugdale's Origines Juridiciales.

Dug. Sum. Dugdale on Summons.

Dugd. Dugdale's History; or, Antiquity of the Inns of Court.

Duke Ch. Us. Duke on Charitable Uses.

Dun. Duncan, see Dunc.; Dunlap, see Dunl.

Dun L. & T. Dun's Landlord and Tenant in Ireland.

Dun. & Cum. Dunphy & Cummins' Remarkable Trials.

Dunc. Eccl. L. Duncan's Scotch Parochial Ecclesiastical Law.

Digitized by Google

Dunc. Ent. Cas. Duncan's Scotch Entail Cases.

Dunc. Ev. Duncombe on the Law of Evidence.

Dunc. Man. Duncan's Manual of Summary Procedure.

Dunc. N. P. Duncombe's Nisi Prius.

Dunl. Abr. Dunlap's Abridgment of Elementary Law; Dunlap's Abridgment of Cooke's Reports.

Dunl. Adm. Pr. Dunlap's Admiralty Practice.

Dunl. F. Dunlap's Forms.

Dunl. L. Pa. Dunlop's Laws of Pennsylvania.

Dunl. L. U. S. Dunlop's Laws of the United States.

Dunl. Paley Ag. Dunlap's Paley on Agency.

Dunl. Par. Dunlop on Parochial Law, Scotland.

Dunl. Pr. Dunlap's Admiralty Practice.

Dunlop (or **Dunl. B. & M.**) Dunlop, Bell & Murray's Reports, Second Series, Scotch Session Cases.

Dup. Const. Duponceau on the Constitution.

Dup. Jur. Duponceau on Jurisdiction of United States Courts.

Dur. Dr. Fr. Duranton's Droit Francais.

Durand. Spec. Jur. Durandi Speculum Juris.

Durfee. Durfee's Reports (2 Rhode Island).

Durn. & E. Durnford & East's English King's Bench Reports (Term Reports).

Dut. & Cowd. Rev. Dutton & Cowdrey's Revision of Swift's Digest of Conn. Laws.

Dutch. Dutcher's New Jersey Reports.

Duv. Duvall's Kentucky Reports.

Dw. Char. Uses. Dwight on Charitable Uses.

Dw. Mil. Dwyer on the Militia Laws.

Dw. Stat. Dwarris on Statutes.

Dy. Dyer's English King's Bench Reports.

Dy. Sum. Proc. Dyett's Summary Proceedings.

E.

E. East's Reports; Equity; Exchequer; English; Explained; Easter Term; King Edward; eodem (in the same place or under the same title).

E. B. Ecclesiastical compensations (or "Bots").

E. B. & E. Ellis, Blackburn & Ellis' English Queen's Bench Reports.

E. B. & S. (Ellis) Best & Smith's English Queen's Bench Reports.

E. C. Election Cases; English Chancery; English Chancery Reports (American reprint).

E. C. L. English Common Law Reports (American reprint).

E. D. S. E. D. Smith's New York Common Pleas Reports.

Digitized by Google

E. E. Equity Exchequer; English Exchequer Reports (Amer. reprint).

E. E. R. English Ecclesiastical Reports.

E. I. Ecclesiastical Institutes; East Indies.

E. I. C. East India Company.

E. L. & Eq. English Law and Equity Reports (American reprint).

E. L. T. Eagle on the Law of Tithes.

E. of Cov. Trial of the Earl of Coventry.

E. P. C. East's Pleas of the Crown.

E. R. East's King's Bench Reports; Election Reports.

E. T. Easter Term.

E. & A. Ecclesiastical and Admiralty; Error and Appeal; Spink's Ecclesiastical and Admiralty Reports.

E. & A. R. Error and Appeal Reports, Ontario.

E. & B. Ellis & Blackburn's Queen's Bench Reports.

E. & E. Ellis & Ellis' English Queen's Bench Reports.

E. & Y. Eagle & Younge's English Tithe Cases.

Ea. East's English King's Bench Reports.

Eag. Mag. Com. Eagle's Magistrate's Pocket Companion.

Eag. Ti. Eagle on Tithes.

Eag. & Yo. Eagle & Younge's English Tithe Cases.

East. East's King's Bench Reports; East's Notes of Cases in Morley's Indian Digest.

East N. of C. East's Notes of Cases (in Morley's East Indian Digest).

East P. C. East's Pleas of the Crown.

East. Rep. Eastern Reporter.

Eat. Cont. Eaton's Supplement to Chipman on Contracts.

Ebs. Inf. Ebsworth on the Law of Infants.

Ec. (or Eccl.) Ecclesiastical.

Eccl. & Ad. Ecclesiastical and Admiralty; Spink's Ecclesiastical and Admiralty Reports.

Eccl. R. English Ecclesiastical Reports (American reprint).

Eccl. Stat. Ecclesiastical Statutes.

Ed. Edition; Edited; Editor; Edward; Edinburgh; Eden's English Chancery Reports.

Ed. Ass. Eddis on Administration of Assets.

Ed. Bills. Eddis on Bills of Exchange.

Ed. B. L. Eden's Bankrupt Law.

Ed. Bro. Eden's edition of Brown's English Chancery Reports.

Ed. C. R. Edward's New York Chancery Reports.

Ed. et Ord. Edits et Ordonnances.

Ed. Inj. Eden on Injunctions.

Ed. L. J. Edinburgh Law Journal.

Ed. P. L. Eden's Principles of Penal Law.

Eden. Eden's English Chancery Reports.

Edg. Edgar's Reports, Court of Session, Scotland.

Edg. C. Canons enacted under King Edgar.

Digitized by Google

Edg. Leas. Edges' Forms of Leases.

Edict. (or **Edicta.**) Edicts of Justinian.

Edinb. L. J. Edinburgh Law Journal.

Edm. Addr. Edmand's Address to his Law Students.

Edm. Exch. Pr. Edmund's Exchequer Practice.

Edm. Sel. Ca. Edmonds' New York Selected Cases.

Edm. Stat. Edmonds' edition of the New York Statutes.

Edw. King Edward; Edwards' New York Chancery Reports; Edwards' English Admiralty Reports; Edwards' Reports (2, 3 Missouri).

Edw. Abr. Edwards' Abridgment of Prerogative Court Cases.

Edw. Adm. Edwards' English Admiralty Reports.

Edw. Adm. Jur. Edwards on Admiralty Jurisdiction.

Edw. Bail. Edwards on the Law of Bailments.

Edw. Bills. Edwards on Bills and Notes.

Edw. Ch. Edwards' New York Chancery Reports.

Edw. Eccl. Jur. Edwards on Ecclesiastical Jurisdiction.

Edw. Fac. Edwards on Factors and Brokers.

Edw. Gam. Edwards' Law of Gaming.

Edw. Jur. Edwards' Juryman's Guide.

Edw. Lead. Dec. Edwards' Leading Decisions in Admiralty (Edwards' Admiralty Reports).

Edw. Part. Edwards on Parties in Chancery.

Edw. Pleas. Edwards' Pleasantries of the Courts of New York.

Edw. Pr. Cas. Edwards' Prize Cases (English Admiralty Reports).

Edw. Pr. Ct. Cas. Edwards' Abridgment of Prerogative Court Cases.

Edw. Rec. Edwards on Receivers in Equity.

Edw. Ref. Edwards on the Law of Referees.

Edw. St. Act. Edwards on the Stamp Act.

Edw. (Tho.) Edwards' English Admiralty Reports.

Edw. Treat. Edwards' Justices' Treatise.

Eg. Ext. Egan on Extradition.

Egan Bills. Egan's Law of Bills of Sale.

Egg. Dam. Eggleston on Damages.

Egr. High. Egremont on the Law of Highways.

Eif. Jud. Act. Eiffe on the Irish Judicature Acts.

Eil Wom. Eiloart on Women.

El. Queen Elizabeth; Elchies' Decisions, Scotch Court of Session.

El. B. & E. Ellis, Blackburn & Ellis' English Queen's Bench Reports.

El. Cas. Election Cases.

Digitized by Google

Elchies' Dict. Elchies' (Dictionary of) Decisions, Scotch Court of Session.

El. Dict. Elchies' Dictionary of Decisions, Court of Session, Scotland.

Elect. Cas. N. Y. New York Election Cases (Armstrong's).

El. & Bl. Ellis & Blackburn's English Queen's Bench Reports.

El. & El. Ellis & Ellis' English Queen's Bench Reports.

Ell. Ann. Ellis on Law of Annuities.

Ell. Bl. & Ell. Ellis, Blackburn & Ellis' English Queen's Bench Reports.

Ell. D. & Cr. Ellis on Debtor and Creditor.

Ell. Deb. Elliot's Debates on the Federal Constitution.

Ell. Dip. Code. Elliot's American Diplomatic Code.

Ell. Ins. Ellis on Fire and Life Insurance and Annuities.

Ell. Pub. Corp. Elliot's Principles of the Law of Public Corporations.

Ell. Trade. Ellet on the Laws of Trade.

Ell. & Bl. Ellis & Blackburn's English Queen's Bench Reports.

Ell. & Ell. Ellis & Ellis' English Queen's Bench Reports.

Ellesm. Post. N. Ellesmere's Post Nati.

Ellis. Ellis on Insurance.

Ellis Dr. & Cr. Ellis on the Law of Debtor and Creditor.

Ells. Cop. Man. Ellsworth's Copyright Manual.

Elm. Arch. Jur. Elmes on Architectural Jurisprudence.

Elm. Dig. Elmer's Digest of New Jersey Laws.

Elm. Dilap. Elmes on Ecclesiastical and Civil Dilapidations.

Elm. Exec. Dep. Elmes' Executive Departments of the United States.

Elm. Lun. Elmer's Practice in Lunacy.

Elm. N. J. Laws. Elmer's New Jersey Laws.

Elph. Conv. Elphinstone's Introduction to Conveyancing.

Els. W. Bl. Elsley's edition of Wm. Blackstone's English K. B. Reports.

Elsyn. Parl. Elsynge on Parliaments.

Elt. Com. Elton on Commons and Waste Lands.

Elt. Copyh. Elton on Copyholds.

Elt. Ten. of Kent. Elton's Tenures of Kent.

Elw. Mal. (or **Med. Jur.**) Elwell on Malpractice and Medical Jurisprudence.

Emer. Ins. Emerigon on Insurance.

Emer. Mar. Lo. Emerigon on Maritime Loans.

Enc. Pl. & Pr. Encyclopedia of Pleading and Practice.

End. Bdg. Ass. Endlich on Building Associations.

Eng. English; English's Reports; (6-13 Arkansas); "English Reports" (American reprint, edited by Moak).

Digitized by Google

Eng. Ad. English Admiralty; English Admiralty Reports (Amer. reprint).

Eng. C. C. (or Cr. Cas.) English Crown Cases (American reprint).

Eng. Ch. English Chancery: "English Chancery Reports" (American reprint).

Eng. C. L. English Common Law Reports (American reprint).

Eng. Eccl. English Ecclesiastical Reports (American reprint).

Eng. Exch. English Exchequer Reports (American reprint).

Eng. Judg. Scotch Court of Session Cases, decided by the "English Judges."

Eng. Law Dict. English's Law Dictionary.

Eng. L. & Eq. English Law and Equity Reports (American reprint).

Eng. Pews. English on Church Pews.

Eng. Rul. Cas. English Ruling Cases with American Notes.

Eng. Sc. Ecc. English and Scotch Ecclesiastical Reports.

Eng. Pl. The English Pleader.

Eng. R. & C. Cas. English Railway and Canal Cases.

Eng. Rep. Moak's English Reports (American reprint); English's Reports (6-13 Arkansas).

Eng. R. R. Ca. English Railway and Canal Cases.

Eng. & Arch. Juris. Engineering and Architectural Jurisprudence.

Eng. & Ir. App. Law Reports, English and Irish Appeal Cases.

English. English's Reports (6-13 Arkansas).

Ent. Coke's Entries; Rastell's Entries.

Entries, Antient. Rastell's Entries (so cited in Rolle Abr).

Entries, New Book of. Rastell's Entries, to distinguish from Liber Intrationum; Coke's Entries, to distinguish from Rastell's Entries.

Eod. Eodem.

Eq. Equity.

Eq. Cas. Equity Cases in 9 Modern Reports.

Eq. Cas. Abr. Equity Cases Abridged (English).

Eq. Draft. Equity Draftsman (Van Heythuysen's, edited by Hughes).

Eq. Judg. Equity Judgments (by A'Beckett), New South Wales.

Eq. Rep. Equity Reports; Gilbert's Equity Reports; Harper's South Carolina Equity Reports; The Equity Reports, published by Spottiswoode.

Erle Tr. Un. Erle on the Law of Trades-Unions.

Err. & App. Error and Appeals Reports, Upper Canada.

Ersk. Dec. Erskine's U. S. Circuit Court, &c., Decisions, in 35 Georgia.

Ersk. Inst. Erskine's Institutes of the Law of Scotland.

Ersk. Prin. Erskine's Principles of the Law of Scotland.

Ersk. Speech. Erskine's Speeches.

Esp. Espinasse's English Nisi Prius Reports.

Digitized by Google

Esp. Act. Espinasse's Actions on Statutes.

Esp. Bank. Espinasse on the Law of Bankrupts.

Esp. Dig. Espinasse's Digest of the Law of Actions and Trials.

Esp. Ev. Espinasse on Evidence.

Esp. N. P. Espinasse's Digest of the Law of Nisi Prius.

Esp. P. St. Espinasse on Penal Statutes.

Esp. Pen. Ev. Espinasse on Penal Evidence.

Esprit des Lois. Montesquieu's Spirit of Laws.

Es. Ins. Esquirol on Insanity.

Ess. Ang. Sax. Law. Essays on Anglo-Saxon Law.

Est. by Will. Estates Created by Will.

Est. Pl. & Pr. Estel on Pleading and Practice under Codes of Civil Procedure.

Est. Prac. (or Pl.) Estee's Code Pleading, Practice and Forms.

Et. al. Et alii (and others).

Ett. Adm. Etting's American Admiralty Jurisdiction.

Euer. Euer's Doctrina Placitandi.

Eun. Wynne's Eunomus.

Eur. Arb. European Arbitration.

Eur. Ass. Arb. European Assurance Arbitration.

Ev. Evidence.

Ev. Ag. Evans on Agency.

Ev. Harr. Evan's Edition of Harris' Modern Entries.

Ev. Jud. Pr. Evans' Practice of the Supreme Court of Judicature.

Ev. Md. Pr. Evans' Maryland Practice.

Ev. Pl. Evans on Pleading.

Ev. Poth. Evans' Translation of Pothier on Obligations.

Ev. Pr. & Ag. Evans on the Law of Principal and Agent.

Ev. R. L. Evans' Road Laws of South Carolina.

Ev. Stat. Evans' Collection of Statutes.

Ev. Tr. Evans' Trial.

Ewell Bl. Ewell's edition of Blackstone.

Ewell Cas. Inf. (or L. C.) Ewell's Leading Cases on Infancy, &c.

Ewell Ess. Ewell's Essentials of the Law.

Ewell Evans Ag. Ewell's edition of Evans on Agency.

Ewell Fix. Ewell on the Law of Fixtures.

Ewing Just. Ewing's Justice.

Ex. Executor; Exchequer, see Exch.

Ex. Com. Extravagantes Communes.

Ex Rel. Ex relatione.

Exch. Exchequer; Exchequer Reports (Welsby, Hurlstone & Gordon); English Law Reports, Exchequer.

Exch. Cas. Exchequer Cases (Legacy Duties, &c.), Scotland.

Exch. Cham. Exchequer Chamber.

Exch. Div. Exchequer Division, English Law Reports.

Exch. Rep. Exchequer Reports (Welsby, Hurlstone & Gordon);

Digitized by Google

English Exchequer Reports (American reprint).

Exec. Executor; Execution; Executive.

Exp. Expired; Ex parte; Explained.

Exr. Executor.

Ext. Extended.

Exton Mar. Dic. Exton's Maritime Dicæologie.

Eyre, MS. Eyre, Manuscript Notes of Cases, King's Bench (in Library of the New York Law Institute).

F.

F. Followed; Finalis; Consuetudines Feudorum; Faculty Collection of Court of Session Decisions; Fitzherbert's Abridgment, octavo edition.

F. Abr. Fitzherbert's Abridgment.

F. B. C. Fonblanque's Bankruptcy Cases.

F. B. R. Full Bench Rulings, Bengal.

F. B. R. N. W. P. Full Bench Rulings, Northwest Provinces, India.

F. C. Faculty Collection of Decisions, Scotch Court of Session, folio edition.

F. C. R. Fearne on Contingent Remainders.

F. Dict. Kames & Woodhouselee's (folio) Dictionary, Scotch Court of Session Cases.

F. N. B. Fitzherbert's Natura Brevium.

F. R. Forum Romanum (by Gilbert).

F. & F. Foster & Finlason's English Nisi Prius Reports.

F. & Fitz. Falconer & Fitzherbert's English Election Cases.

F. & S. Fox & Smith's Irish King's Bench Reports.

F. & W. Pr. Friend & Ware's Precedents; Transfer of Lands to Railways.

Fac. Coll (or Fac. Dec.) Faculty Collection of Decisions, Court of Sessions.

Fair. M. & D. Fairbanks' Marriage and Divorce Laws of Massachusetts.

Fairfield. Fairfield's Reports (10-12 Maine).

Falc. Falconer's Scotch Court of Sessions Cases.

Falc. Co. Cts. Falconer on County Courts.

Falc. & Fitz. Falconer & Fitzherbert's English Election Cases.

Fam. Cas. Cir. Ev. Famous Cases of Circumstantial Evidence, by Phillips.

Fan. Rom. Law. Fanton's Tables of Roman Law.

Far. (or Farr.) Farresley, see Farresley.

Farq. Chy. Farquharson's Court of Chancery.

Farr. Bill. Farren's Bill in Chancery.

Farr. Const. Farrar's Manual of the United States Constitution.

Digitized by Google

Farr. Life Ass. Farren on Life Assurance.

Farr. Mas. Farren's Masters in Chancery.

Farr Med. Jur. Farr's Medical Jurisprudence.

Farresley. Farresley's Reports (7 Modern Reports); Farresley's Cases in Holt's King's Bench Reports.

Farw. Pow. Farwell on Powers.

Fawc. L. & T. Fawcett on Landlord and Tenant.

Fawc. Ref. Fawcett on the Court of Referees in Parliament.

Fea. Posth. Fearne's Posthumous Works.

Fear. Rem. Fearne on Contingent Remainders.

Fed. The Federalist, by Hamilton.

Fed. Cas. Federal Cases (reprint).

Fed. Rep. The Federal Reporter.

Fell Guar. Fell on Guaranty and Suretyship.

Fent. Imp. Judg. Fenton's Important Judgments, New Zealand.

Fer. Fixt. Ferard on Fixtures.

Ferg. Cons. Fergusson's (Scotch) Consistorial Reports on Actions of Divorce.

Ferg. M. & D. Fergusson on Marriage and Divorce.

Ferg. Proc. Fergusson's Common Law Procedure Act, Ireland.

Fern. Dec. Decretos del Fernando, Mexico.

Fess. Pat. Fessenden on Patents.

Ff. Pandects of Justinian (a corruption of the Greek letter p).

Fi. Fidell's Precedents.

Fi. fa. Fieri facias.

Field Anal. Field's Analysis of Blackstone's Commentaries.

Field Com. Law. Field on the Common Law of England.

Field Corp. Field on Corporations.

Field Cur. Field on Protestant Curates and Incumbents.

Field Dam. Field on the Law of Damages.

Field Ev. Field's Law of Evidence in British India.

Field Int. Code. Field's International Code.

Field on Inh. Field on the Hindu and Mohammedan Laws of Inheritance.

Field Pen. L. Field's Penal Law.

Field Pr. Cor. Field on Private Corporations.

Field & D. Ch. Pr. Field & Dunn's Chancery Practice.

Fin. Finch's English Chancery Reports; Finlason, see Finl.

Fin. Pr. Finch's Precedents in Chancery.

Fin. Ren. Finlay on Renewals.

Finch. English Chancery Reports temp. Finch.

Finch Prec. Precedents in Chancery, edited by Finch.

Finch Sum. C. L. Finch's Summary of the Common Law.

Fink Ev. Fink's Indian Evidence Act.

Finl. Ch. Tr. Finlason on Charitable Trusts.

Digitized by Google

Finl. Com. Finlason on Commons.

Finl. Dig. Finlay's Irish Digest (with original cases).

Finl. Jud. Sys. Finlason's Judicial System.

Finl. L. C. Finlason's Leading Cases on Pleading.

Finl. Ld. Ten. Finlason on Land Tenures.

Finl. Mar. L. Finlason's Commentaries on Martial Law.

Finl. Rep. Finlason's Report of the Gurney Case.

Finl. Riot. Finlay on Repression of Riot or Rebellion.

Finl. Ten. Finlason on Land Tenures.

First pt. Edw. III. Part II of the Year Books.

First pt. H. VI. Part VII. of the Year Books.

Fish. Fisher's U. S. Patent Cases; Fisher's U. S. Prize Cases.

Fish. C. L. Dig. Fisher's Digest of English Common Law Reports.

Fish. Const. Fisher on the United States Constitution.

Fish. Cop. Fisher on Copyrights.

Fish. Crim. Dig. Fisher's Digest of English Criminal Law.

Fish. Dig. Fisher's English Common Law Digest.

Fish. Mort. Fisher on Mortgages.

Fish. Pat. Cas. Fisher's United States Patent Cases.

Fish. Pat. Dig. Fisher's Digest of Patent Law.

Fish. Pat. Rep. Fisher's United States Patent Reports.

Fish. Pr. Cas. Fisher's United States Prize Cases.

Fish. W. A. Fisher on the Will Act.

Fisk Anal. Fisk's Analysis of Coke on Littleton.

Fitch R. E. Ag. Fitch on Real Estate Agency.

Fitzad. Jud. Act. Fitzadams on the Judicature Act.

Fitzg. Fitzgibbon's English King's Bench Reports.

Fitzg. Pub. H. Fitzgerald on the Public Health.

Fitzh. Abr. Fitzherbert's Abridgment.

Fitzh. N. B. Fitzherbert's New Natura Brevium.

Fl. Fleta; Flanders, see Fland.

Fl. & K. Flanagan & Kelly's Irish Rolls Court Reports.

Fla. Florida; Florida Reports.

Fla. N. B. A. Flather's New Bankrupt Act.

Flan. & Kel. Flanagan & Kelly's Irish Rolls Court Reports.

Fland. Ch. J. Flanders' Lives of the Chief Justices of the United States.

Fland. Const. Flanders on the United States Constitution.

Fland. Fire Ins. Flanders on Fire Insurance.

Fland. Mar. L. Flanders' Maritime Law.

Fland. Sh. Flanders on Shipping.

Flax. Reg. Flaxman on the Registration of Births and Deaths.

Digitized by Google

Fletch. Tr. Fletcher on Trustees of Estates.

Flint. Conv. Flintoff's Introduction to Conveyancing.

Flint. R. Pr. Flintoff on the Law of Real Property.

Flint. R. & P. Flintoff's Rise and Progress of the Laws of England and Wales.

Flip. Flippin's United States Circuit Court Reports.

Flood El. Eq. Flood on Election in Equity.

Flood Lib. Flood on Libel and Slander.

Flood Wills. Flood on Wills of Personal Property.

Flor. Florida; Florida Reports.

Floy. Proct. Pr. Floyer's Proctor's Practice.

Foard Mer. Sh. Foard on Merchant Shipping.

Foel. Dr. Int. Foelix's Droit International Prive.

Fogg. Fogg's Reports (32-35 New Hampshire).

Fol. Folio.

Fol. Dict. Kames & Woodhouselee's Folio Dictionary Scotch Court of Session.

Fol. P. L. Cas. Foley's English Poor Law Cases.

Folk. Pl. Folkard on Loans and Pledges.

Folk. St. Sl. Folkard's edition of Starkie on Slander and Libel.

Fonbl. (or **Fonbl. N. R.**) Fonblanque's English Cases (or New Reports) in Bankruptcy.

Fonbl. Eq. Fonblanque on Equity.

Fonbl. Med. Jur. Fonblanque on Medical Jurisprudence.

Fonbl. R. & Wr. Fonblanque on Rights and Wrongs.

Foote B. & B. Foote's Bench and Bar of the South and Southwest.

Foote Highw. Foote's Law of Highways.

Foote Int. Jur. Foote on Private International Jurisprudence.

For. Forrest's Exchequer Reports; Forrester's Chancery Reports (Cases temp. Talbot); Fortescue de Laudibus Legum Angliæ.

For. Comp. Forsyth on Composition with Creditors.

For. Cons. Law. Forsyth's Cases and Opinions on Constitutional Law.

For. de Laud. Fortescue de Laudibus Legum Angliæ.

For. Hort. Forsyth's Hortensius.

For. Inf. Forsyth's Custody of Infants.

For. Jury Tr. Forsyth's Trial by Jury.

For. Pla. Brown's Formulæ Bene Placintandi.

For. Pr. Foran's Code of Civil Procedure of Quebec.

Forb. Forbes' Decisions in the Scotch Court of Session.

Forb. Bills. Forbes on Bills of Exchange.

Forb. Inst. Forbes' Institutes of the Law of Scotland.

Forb. Tr. Forbes on Trustees and Post Office Savings Banks.

Forb. Oa. Ford on Oaths, under the Judicature Acts.

Digitized by Google

Forman. Forman's Reports, Illinois.

Form. Pla. Brown's Formulæ Bene Placitandi.

Forr. Forrest's English Exchequer Reports; Forrester's English Chancery Cases (commonly cited, Cases temp. Talbot).

Fors. Cas. & Op. Forsyth's Cases and Opinions on Constitutional Law.

Fors. Comp. Forsyth's Composition with Creditors.

Fors. Hor. Forsyth's Hortensius; or, The Duties of an Advocate.

Fors. Inf. Forsyth's Custody of Infants.

Fors. Sim. Forsyth on Simony.

Fors. Tr. Forsyth on Trusts and Trustees in Scotland.

Fors. Tr. Jur. Forsyth's History of Trial by Jury.

Forst. Cust. Forster's Digest of the Laws of Customs.

Fort. Fortescue's English King's Bench, &c., Reports.

Fort. de Laud. Fortescue de Laudibus Legum Angliæ.

Forum. The Forum (periodical), Baltimore and New York; The Forum, by David Paul Brown.

Fos. Foster (see Fost.).

Foss Bio. Jur. Foss's Biographia Juridica.

Foss Judg. Foss' Judges of England.

Fost. Foster's English Crown Law or Crown Cases; Foster's N. H. Reports; Foster's Legal Chronicle Reports, Pennsylvania.

Fost. Doct. Com. Foster on Doctors' Commons.

Fost. El. Jur. Foster's Elements of Jurisprudence.

Fost. Jt. Own. Foster on Joint Ownership and Partition.

Fost. Sc. Fa. Foster on Writ of Scire Facias.

Fost. Tr. Reb. Trial of the Rebels, &c. (Foster's Crown Cases).

Fost. & Fin. Foster & Finlason's English Nisi Prius Reports.

Foster. Foster's English Crown Law; Legal Chronicle Reports (Pa.), edited by Foster; Foster's N. H. Reports.

Foulk. Act. Foulke's Action at Law.

Fount. Fountainhall's Decisions, Scotch Court of Session.

Fowl. Col. Fowler on Collieries and Colliers.

Fowl. Pews. Fowler on Church Pews.

Fowl. Pr. Fowler's Exchequer Practice.

Fox. Fox's English Registration Reports (C. P.).

Fox. Cont. (or **Ass.**) Fox on Simple Contracts and Assumpsit.

Fox Dig. Part. Fox's Digest of the Law of Partnership.

Fox & Sm. Fox & Smith's Irish King's Bench Reports.

Fr. Fragment or Excerpt, or Laws in titles of Pandects; Freeman's English King's Bench and Chancery Reports.

Fr. & W. Prec. Frend & Ware's Precedents of Railway Conveyancing.

Digitized by Google

Fr. Bank. Frank on United States Bankrupt Act of 1867.

Fr. E. C. Fraser's Election Cases.

Fr. M. (or **Fra. M.**) Francis' Maxims of Equity.

Fr. Chy. Freeman's English Chancery Reports; Freeman's Mississippi Chancery Reports.

Fr. Ord. French Ordinances.

Fran. Char. Francis' Law of Charities.

Fran. Eng. Law. Francillon's Lectures on English Law.

Fran. Max. Francis' Maxims of Equity.

Fran. Prec. Francis' Common Law Precedents.

France. France's Reports (3-4 Colorado).

Franc. Judg. Francillon's Judgments, County Courts.

Fras. Div. Fraser's Conflict of Laws in Cases of Divorce.

Fras. Dom. Rel. Fraser on Personal and Domestic Relations, Scotland.

Fras. M. & S. Fraser on Master and Servant in Scotland.

Fras. Par. & Ch. Fraser on Parent and Child in Scotland.

Fraser. Fraser's English Cases of Controverted Elections.

Frz. Frazer's Admiralty Cases, &., Scotland.

Frec. Code. Frederician Code, Prussia.

Free. Freeman's English King's Bench Reports (1 Free., Freeman King's Bench Reports; 2 Free. Freeman's Chancery Reports; see also Freem.

Free. Ch. Freeman's English Chancery Reports; Freeman's Mississippi Chancery Reports.

Freem. C. C. Freeman's English Chancery Cases.

Freem. Ch. See Free. Ch.

Freem. Cot. Freeman on Cotenancy and Partition.

Freem. Eng. Const. Freeman on the Growth of the English Constitution.

Freem. Ex. Freeman on Executors.

Freem. (Ill.) Freeman's Reports (31-96 Illinois).

Freem. Judg. Freeman on Judgments.

Freem. K. B. Freeman's English King's Bench Reports.

Freem. Pr. Freeman's Practice Illinois.

French. French's Reports (6 New Hampshire).

Frend & W. Prec. Frend & Ware's Precedents of Railway Conveyancing.

Fries Tr. Trial of John Fries (Treason).

Fry Sp. Per. Fry on Specific Performance of Contracts.

Fry Lun. Fry on Lunacy.

Fry Vac. Fry on the Vaccination Acts.

Fulb. St. Law. Fulbecke's Study of the Law.

Full. B. R. Full Bench Rulings, Bengal (or Northwestern Provinces).

Full. Ch. Hist. Fuller's Church History.

Fulton. Fulton's Reports, Bengal

Furl. L. & T. Furlong on the Irish Law of Landlord and Tenant.

Digitized by Google

G.

G. King George; Georgia; Gale's English Exchequer Reports.

G. B. Great Britain.

G. B. (or **Gr. B.**) The Green Bag, Boston.

G. Gr. G. Green's Iowa Reports.

G. M. Dudl. G. M. Dudley's Georgia Reports.

G. S. General Statutes.

G. & D. Gale & Davison's English Queen's Bench Reports.

G. & H. Gavin & Hord's Indiana Statutes.

G. & J. Gill & Johnson's Maryland Reports; Glyn & Jameson's English Bankruptcy Reports.

G. & P. R. R. Laws. Gregg & Pond's Railroad Laws of the New England States.

G. & R's. Cons. & Juris. U. S. Cts. Treatise on the Constitution and Jurisdiction of the United States Courts by Garland and Ralston.

G. & Sh. R. R. Godefroi & Shortt's Law of Railway Companies.

G. & W. New Tr. Graham & Waterman on New Trials.

G. & Wh. Eas. Gale & Whatley (afterwards Gale) on Easements.

Ga. Georgia; Georgia Reports.

Ga. Dec. Georgia Decisions.

Gabb. Cr. L. Gabbett's Criminal Law.

Gabb. Stat. L. Gabbett's Digest of the Statute Law.

Gaius (or **Gaii**). Gaius' Institute (Gaii Institutionum Commentarii).

Galbraith. Galbraith's Reports (9-11 Florida).

Galb. & M. Galbraith & Meek's Reports (12 Florida).

Gale. Gale's English Exchequer Reports.

Gale Eas. Gale on Easements.

Gale Stat. Gale's Statutes of Illinois.

Gale & Dav. Gale & Davison's Queen's Bench.

Gale & Wh. Eas. Gale & Whatley (afterwards Gale) on Easements.

Gall. Gallison's Reports, United States Circuit Courts.

Gall. Cr. Cas. Gallick Reports (French Criminal Cases).

Gall. Int. L. Gallaudet on International Law.

Gamb. & Bar. Dig. Gamble & Barlow's Irish Equity Digest.

Gantts Dig. Gantts (& Galdwell's) Digest of Arkansas Statutes.

Gard. Ab. Gardner on Abstracts of Title.

Gard. Ev. Garde on Evidence.

Gard. Int. Law. Gardner's Institu[tes] of American International Law

Gard. N. Y. Rept. Gardenier's New York Reporter.

Gard. Pl. Garde's First Princ[iples] of Pleading.

Gardenhire. Gardenhire's Reports (14, 15 Missouri).

Gardn. P. C. Gardner P[eer]age Case, reported by Le Mar[chant].

Digitized by Google

Gaspar. Gaspar's Small Cause Court Reports, Bengal.

Gayarre. Gayarre's Reports (25-28 Louisiana Annual).

Gaz. Bank. Gazzam on Bankruptcy; Gazette of Bankruptcy, London.

Gaz. Bank. Dig. Gazzam's Digest of Bankruptcy Decisions.

Gaz. & B. C. Rep. Gazette and Bankrupt Court Reporter, New York.

Geld. & Ox. Nova Scotia Decisions, by Geldert & Oxley.

Gen. Arb. Cas. Eq. General Abridgment of Cases in Equity (Equity Cases Abridged).

Gen. Arb. Geneva Arbitration.

Gen. Dig. General Digest.

Gen. Ord. General Orders.

Gen. Ord. Ch. General Order of the High Court of Chancery.

Gen. Sess. General Sessions.

Gen. T. General Term.

Gen. View Cr. L. Stephen's General View of the Criminal Laws.

Geo. Georgia; Georgia Reports; King George.

Geo. Coop. George Cooper's English Chancery Cases, time of Eldon.

Geo. Dec. Georgia Decisions.

Geo. Dig. George's Mississippi Digest.

Geo. Lib. George on Libel.

Georg. Georgia.

George. George's Reports (30-39 Mississippi).

Ger. Tit. Gerard's Titles to Real Estates (in New York).

Getz. F. Getz's Forms in Conveyancing.

Ghose Mort. Ghose on Mortgages in India.

Giauq. El. Giauque's Election Laws.

Gib. Aids. Gibson's Aids to the Examinations.

Gib. Civ. L. Gibbon on the Civil Law.

Gib. Cod. Gibson's Codex Juris Ecclesiastici.

Gib. Cont. Gibbons on Contracts.

Gib. Dec. Gibson's Scottish Decisions.

Gib. Dil. Gibbons on Dilapidations and Nuisances.

Gib. Fix. Gibbons' Laws of Fixtures.

Gib. Lim. Gibbons' Lex Temporis (Limitation and Prescription).

Gib. Lynd. Gibson's Memoir of Lord Lyndhurst.

Gib. Nui. Gibbons' Law of Dilapidations and Nuisances.

Gib. & Na. Eq. Jur. Gibbons & Nathans' Equitable Jurisdiction of County Courts.

Gibb. Gibbons, see Gib.

Gibbs. Gibbs' Reports (2-4 Michigan).

Gibbs F. Gibbs' Practical Forms.

Gibbs' Jud. Chr. Gibbs' Judicial Chronicle.

Gibson. (Gibson of) Durie's Decisions, Scotch Court of Session.

Gif. (or **Giff**). Giffard's English Vice-Chancellors' Reports.

Gil. Gilman's Reports (6-10 Illinois); Gilmer's Virginia Reports; Gilbert's English Chan-

Digitized by Google

cery Reports; Gilbert's English Cases in Law and Equity.

Gil. & Fal. Gilmour & Falconer's Scotch Session Cases.

Gilb. Cas. Gilbert's English Cases in Law and Equity.

Gilb. Bank. Gilbart on Banking.

Gilb. C. P. Gilbert on the Common Pleas.

Gilb. Ch. Gilbert's English Chancery Reports.

Gilb. Ch. Pr. Gilbert's History and Practice of Chancery.

Gilb. Debt. Gilbert on the Action of Debt (appended to Gilbert's Cases in Law and Equity).

Gilb. Div. Gilbert's Law of Devises.

Gilb. Dis. Gilbert on Distress and Replevin.

Gilb. Ej. Gilbert on Ejectments.

Gilb. Eq. Gilbert's English Equity or Chancery Reports.

Gilb. Ex. Gilbert's Executions.

Gilb. Ev. Gilbert's Law of Evidence.

Gilb. Exch. Pr. Gilbert's History and Practice of the Exchequer.

Gilb. For. Rom. Gilbert's Forum Romanum (History and Practice of Chancery).

Gilb. K. B. Gilbert's Cases in Law and Equity, English.

Gilb. Lex. Pr. Gilbert's Lex Prætoria.

Gilb. R. R. Gilbert's Railway Law of Illinois.

Gilb. Rem. Gilbert's Remainders.

Gilb. Rents. Gilbert's Treatise on Rents.

Gilb. Rep. Gilbert's English Chancery Reports.

Gilb. Repl. Gilbert on Replevin.

Gilb. Ten. Gilbert on Tenures.

Gilb. Us. Gilbert's Uses and Trusts.

Gildersleeve. Gildersleeve's Reports (1 New Mexico).

Gilfillan. Gilfillan's edition of Minnesota Reports.

Gill. Gill's Maryland Reports.

Gill & Johns. Gill & Johnson's Maryland Reports.

Gilm. Gilman's Reports (6-10 Illinois); Gilmer's Reports, Virginia; Gilmour's Reports, Scotch Court of Session.

Gilm. Dig. Gilman's Digest of Decisions, Illinois and Indiana.

Gilm. & Falc. Gilmour & Falconer's Reports, Scotch Court of Session.

Gilp. Gilpin's United States District Court Reports.

Gilp. Opin. Gilpin's Opinions of the United States Attorneys-General.

Gir. W. C. Report of the Girard Will Case.

Gl. Glossa (a Gloss or Interpretation).

Gl. & J. Glyn & Jameson's English Bankruptcy Reports.

Glanv. Glanville de Legibus et Consuetudinibus Angliæ.

Glanv. El. Cas. Glanville's English Election Cases.

Glas. Glascock's Reports in all the Courts of Ireland.

Glassf. Ev. Glassford on Evidence.

Glen High. Glen's Highway Laws.

Digitized by Google

Glen Pub. H. Glen on the Public Health Laws.

Glen Reg. Glen on Registration of Births and Deaths.

Glenn. Glenn's Reports (16-18 Louisiana Annual).

Glov. Mun. Cor. Glover on Municipal Corporations.

Glyn & Jam. Glyn & Jameson's Reports, English Bankruptcy.

Glynn Wat. Pow. Glynn on Water Powers.

Godb. Godbolt's English King's Bench Reports.

Godd. Ease. Goddard on Easements.

Godef. Trust. Godefroi's Law of Trusts and Trustees.

Godef. & Sh. R. C. Godefroi & Shortt on Railway Companies.

Godolph. (or **Godolph. Rep. Can.**) Godolphin's Repertorium Canonicum, Abridgment of the Ecclesiastical Laws.

Godolph. Adm. Jur. Godolphin on Admiralty Jurisdiction.

Godolph. Leg. Godolphin's Orphan's Legacy.

Gods. Pat. Godson on Patents.

Goeb. Goebel's Ohio Probate Court Reports.

Gog. Or. Goguet's Origin of Laws.

Goir. Fr. Co. Goirand's French Code of Commerce.

Gold. (or **Goldes.**) Goldesborough's or Gouldsborough's English K. B. Reports.

Golds. Eq. Goldsmith's Equity Practice.

Good. Ev. Goodeve's Law of Evidence (in India).

Good. Pat. Goodeve's Abstract of Patent Cases.

Good. Pr. Goodwin's Probate Practice.

Good. Ry. C. Goodeve on Railway Companies and Passengers.

Good. & Wood. Full Bench Rulings Bengal, edited by Goodeve & Woodman.

Gord. Dec. Gordon on the Law of Decedents in Pennsylvania.

Gord. Dig. Gordon's Digest of United States Laws.

Gord. Tr. Gordon's Treason Trials.

Gosf. Gosford's Manuscript Reports, Scotch Court of Session.

Goud. Pand. Goudsmit's Pandects (Roman Law).

Gould. Gouldsborough's English King's Bench Reports.

Gould Pl. Gould's Principles of Pleading in Civil Actions.

Gourl. Gen. Av. Gourlie on General Average.

Gow. Gow's English Nisi Prius Cases.

Gow. Part. Gow on Partnership.

Gr. Grant's Cases, Pennsylvania; Green's New Jersey Reports; Greenleaf's Laws of N. Y.; Greenleaf's Maine Reports.

Gr. Brice. Green's edition of Brice on Ultra Vires.

Gr. Eq. (or Ch.) (H. W.) Greene's New Jersey Equity Reports; Gresley's Equity Evidence.

Gr. Ev. Greenleaf on Evidence.

Gra. Grady, see Grad.; Grant, see Grant.

Digitized by Google

Gra. Jur. Graham on Jurisdiction.

Gra. N. Tr. Graham on New Trials.

Gra. Pr. Graham's Practice of the New York Supreme Court.

Gra. & Wat. N. T. Graham & Waterman on New Trials.

Grad. Fix. Grady on Fixtures.

Grad. Hind. L. Grady's Manual of Hindu Law.

Grad. Hind. Inh. Grady's Hindu Law of Inheritance.

Grad. Ind. Co. Grady's Indian Codes.

Grand Cout. Grand Coutumier de Normandie.

Granger. Granger's Reports (22, 23 Ohio State).

Grant. Grant's Upper Canada Chancery Reports; Grant's Pennsylvania Cases; (Grant of) Elchie's Scotch Session Cases; Grant's Jamaica Reports.

Grant Bank. Grant on Banks and Banking.

Grant Cas. Grant's Pennsylvania Cases.

Grant Ch. Grant's Upper Canada Chancery Reports.

Grant Corp. Grant on Corporations.

Grant E. & A. Grant's Error and Appeal Reports, Ontario.

Grant Pa. Grant's Pennsylvania Cases.

Grant U. C. Grant's Upper Canada Chancery Reports.

Grap. Just. Grapel's Translation of the Institutes of Justinian.

Grap. Rom. Law. Grapel's Sources of the Roman Civil Law.

Grat. (or **Gratt.**) Grattan's Virginia Reports.

Gray. Gray's Massachusetts Reports.

Gray Att. Pr. Gray's Country Attorney's Practice.

Gray C. Gray on Costs.

Gray. Forms. Graydon's Forms of Conveyance.

Gre. Rom. Law. Greene's Outlines of Roman Law.

Greav. Cr. L. Greaves on Criminal Law.

Greav. Russ. Greave's edition of Russell on Crimes.

Green. Green's New Jersey Law or Equity Reports; Green's Reports (11 Rhode Island); G. Greene's Iowa Reports; Greenleaf's Maine Reports.

Green B. L. Green's Bankrupt Law.

Green Bri. Green's edition of Brice's Ultra Vires.

Green C. E. C. E. Green's Chancery Reports, New Jersey.

Green Ch. H. W. Green's New Jersey Chancery Reports.

Green. Conv. Greenwood's Manual of Conveyancing.

Green Cr. L. Rep. Green's Criminal Law Reports.

Green. Cruise. Greenleaf's edition of Cruise's Digest of Real Property.

Green. Cts. Greenwood on Courts.

Green. Ev. Greenleaf's Law of Evidence.

Green. Forms. Greening's Forms of Declarations, Pleadings, &c.

Digitized by Google

Green L. (or N. J.) J. S. Greene's Law Reports (13-15 New Jersey).

Green. Ov. Cas. Greenleaf's Overruled Cases.

Green. Rom. Law. Greene's Outlines of Roman Law.

Green Sc. Tr. Green's Scottish Trials for Treason.

Green. Ship. Greenhow's Law of Shipowners.

Green. Test. Ev. Greenleaf on the Testimony of the Evangelists.

Green. & H. Conv. Greenwood & Horwood's Conveyancing.

Greene. G. Greene's Iowa Reports; C. E. Greene's N. J. Equity Reports.

Greenh. Sh. Greenhow's Shipping Law Manual.

Greenl. Greenleaf's Reports (1-9 Maine).

Greenl. Cr. Greenleaf's Cruise on Real Property.

Greenl. Ev. Greenleaf on Evidence.

Greenl. Ov. Cas. Greenleaf's Overruled Cases.

Greenl. Test. Ev. Greenleaf's Testimony of the Evangelists.

Greenw. Conv. Greenwood on Conveyancing.

Greenw. Cts. Greenwood on Courts.

Greenw. & M. Mag. Pol. Greenwood & Martin's Magistrates' Police Guide.

Grein. Dig. Greiner's Louisiana Digest.

Grein. Pr. Greiner's Louisiana Practice.

Grenier. Grenier's Ceylon Reports.

Gres. Eq. Ev. Gresley's Equity Evidence.

Grey Deb. Grey's Debates, House of Commons.

Grif. Cr. Griffith on Arrangements with Creditors.

Grif. Ct. Mar. (or Mil. Law.) Griffith on Military Law and Courts-Martial.

Grif. Inst. (or Eq.) Griffith's Institutes of Equity.

Grif. Jud. Acts. Griffith on the Judicature Acts.

Grif. L. Reg. Griffith's Law Register, Burlington, N. J.

Grif. Mar. Wom. Griffith's Married Women's Property Act.

Grif. Pr. Cas. Griffith's English Poor Rate Cases.

Grif. Pr. Griffith's Practice.

Grif. St. Griffith's Stamp Duties.

Grim. Bank. Grimsey's Proceedings in Bankruptcy.

Grimke Ex. Grimke on Executors and Administrators.

Grimke Jus. Grimke's Justice.

Grimke P. L. Grimke's Public Laws of South Carolina.

Grisw. Und. Griswold's Fire Underwriter's Text-Book.

Griswold. Griswold's Reports (14-19 Ohio).

Gro. B. P. Grotius, De Jure Belli ac Pacis.

Gro. Dr. Grotius, Le Droit de la Guerre.

Gro. Ges. & Verord. Grotofend's Gesetze und Verordnungen.

Digitized by Google

Gross Laws (or St.) Gross' Illinois Compiled Laws.

Gude Pr. Gude's Practice of the Crown Side of King's Bench.

Guern. Eq. Jur. Guernsey's Key to Equity Jurisprudence.

Guern. Ins. Guernsey on Questions of Insanity.

Guern. Mech. L. Guernsey's Mechanics' Lien Laws of New York.

Gunn. Tolls. Gunning on Tolls.

Gut. Brac. Guterbock's Bracton.

Guth. L. & T. Guthrie's Landlord and Tenant.

Guth. Pr. Guthrie's Principles of the Laws of England.

Guth. Sh. Cas. Guthrie's Sheriff Court Cases, Scotland.

Guth. Tr. Un. Guthrie on Trade Unions.

Guy For. Med. Guy's Forensic Medicine.

Guy Rep. Guy's Repertoire de la Jurisprudence.

Gw. Sh. Gwynne on Sheriffs.

Gwil. Ti. Cas. Gwillim's Tithe Cases.

Gwill. Bac. Abr. Gwillim's edition of Bacon's Abridgment.

H.

H. Hic (here, in the same paragraph; King Henry; Hilary Term; Howard's United States Supreme Court Reports; Hill's New York Reports; Hare's English V. C. Reports.

H. (or Hepb.) Hepburn's Pennsylvania State Reports.

H. A. Hoc Anno.

H. Bl. Henry Blackstone's English Common Pleas Reports.

H. C. House of Commons.

H. C. R. High Court Reports, India.

H. C. R. N. W. P. High Court Reports, Northwest Provinces, India.

H. H. C. L. Hale's History of the Common Law.

H. H. P. C. Hale's History of Pleas of the Crown.

H. L. (or H. L. Cas.) House of Lords' Cases.

H. L. F. Hall's Legal Forms.

H. L. Rep. English House of Lords Reports.

H. L. & T. Hunter on Landlord and Tenant.

H. P. C. Hale's Pleas of the Crown; Hawkins' Pleas of the Crown.

H. T. Hilary Term; hoc titulo.

H. V. Hoc verbo or his verbis.

H. W. Gr. H. W. Green's New Jersey Equity Reports.

H. & B. Hudson & Brooke's Irish King's Bench Reports.

H. & C. Hurlstone & Coltman's English Exchequer Reports.

H. & D. Lalor's Supplement to Hill & Denio's New York Reports.

H. & D. Pr. Holmes & Disbrow's Practice.

Digitized by Google

H. & G. Harris & Gill's Maryland Reports.

H. & H. Horn & Hurlstone's English Exchequer Reports; Harrison & Hodgin's Municipal Reports, Upper Canada.

H. & H. (or Hayw. & H.) Hayward & Hazleton's District of Columbia Reports.

H. & J. Harris & Johnson's Maryland Reports; Hayes & Jones Exchequer Reports, Ireland.

H. & J. Forms. Hayes & Jarman's Concise Forms of Wills.

H. & M. Hening & Munford's Virginia Reports; Hemming & Miller's English Vice Chancellor's Report.

H. & McH. Harris & McHenry's Maryland Reports.

H. & N. Hurlstone & Norman's English Exchequer Reports.

H. & P. Hopwood & Philbrick's English Election Cases.

H. & R. Harrison & Rutherford's English Common Pleas Reports.

H. & R. Bank. Hazlitt & Roche on Bankruptcy.

H. & T. Hall & Twell's English Chancery Reports.

H. & T. Self-Def. Horrigan & Thompson's Cases on the Law of Self-Defence.

H. & W. Harrison & Wollaston's English King's Bench Reports; Hurlstone & Walmsley's English Exchequer Reports.

Ha. Hare's Chancery Reports.

Ha. & Tw. Hall & Twell's English Chancery Reports.

Hab. Corp. Habeas Corpus.

Hab. fa. poss. Habere facias possessionem.

Hab. fa. seis. Habere facias seisinam.

Hack. Gen. Aw. Hackett on the Geneva Award Acts.

Had. See Haddington.

Had. Chy. Jur. Haddan's Administrative Jurisdiction of the Court of Chancery.

Haddington. Haddington's Manuscript Reports, Scotch Court of Sessions.

Hadl. Rom. Law. Hadley's Introduction to Roman law.

Hadley. Hadley's Reports (45-48 New Hampshire).

Hag. (or Hagg.) Adm. Haggard's English Admiralty Reports.

Hag. (or Hagg.) Con. Haggard's English Consistory Reports.

Hag. (or Hagg.) Ecc. Haggard's English Ecclesiastical Reports.

Hagan. Hagan's Utah Reports.

Hagans. Hagans' Reports (1-5 West Virginia).

Hagn. & Mil. Hagner & Miller's Reports (2 Maryland Chancery).

Hailes. Hailes' Decisions, Scotch Court of Session.

Hailes' Ann. Hailes' Annals of Scotland.

Hain. J. P. Haine's Illinois Justice of the Peace.

Hal. Civ. Law. Hallifax's Analysis of the Civil Law.

Hal. Const. Hist. Hallam's Constitutional History.

Hal. Ev. Halsted's Digest of the Law of Evidence.

Digitized by Google

Hal. Int. Law. Halleck's International Law.

Hal. Law. Halsted's New Jersey Law Reports.

Hal. Min. Law. Halleck's Mining Laws of Spain and Mexico.

Halc. Min. Cas. Halcomb's Mining Cases, London, 1826.

Hale. Hale's Reports (33-37 California).

Hale Anal. Hale's Analysis of the Law.

Hale Com. Law. Hale's History of the Common Law.

Hale Cr. Prec. Hale's Precedents in Criminal Cases.

Hale Jur. H. L. Hale's Jurisdiction of the House of Lords.

Hale Parl. Hale's Treatise on Parliaments.

Hale P. C. Hale's Pleas of the Crown.

Hale Prec. Hale's Precedents in (Ecclesiastical) Criminal Cases.

Hale Sug. C. M. Hale's Suggestion on Courts-Martial.

Hale Sum. Hale's Summary of Pleas of the Crown.

Halh. Gent. L. Halhed's Code of Gentoo Laws.

Halk. Comp. Halkerston's Compendium of Scotch Faculty Decisions.

Halk. Dig. Halkerston's Digest of Scotch Marriage Law.

Halk. Max. Halkerston's Latin Maxims.

Hall. Hall's New York Superior Court Reports; Hall's Reports (56, 57 New Hampshire).

Hall Adm. Hall's Admiralty Practice and Jurisdiction.

Hall Am. L. J. Hall's American Law Journal.

Hall. Ch. Pr. Halliday's Elementary View of Chancery Proceedings.

Hall. Civ. Law. Hallifax's Analysis of the Civil Law.

Hall Const. L. Hall's Constitutional Law.

Hall. Hist. Hallam's Constitutional History of England.

Hall Jour. Jur. Journal of Jurisprudence (Hall's).

Hall Int. Law. Hall on International Law; Halleck's International Law.

Hall. Law of W. Halleck's Law of War.

Hall Neut. Hall's Rights and Duties of Neutrals.

Hall Shores. Hall's Rights in the Sea Shores.

Hall & Tw. Hall & Twell's Reports, English Chancery.

Hallam. Hallam's Constitutional History of England.

Hallett. Hallett's Reports (1, 2 Colorado).

Hallif. C. L. Hallifax's Civil Law.

Hals. Halsted's New Jersey Law Reports.

Hals. Ch. (or **Eq.**) Halsted's New Jersey Equity Reports, 1845-1853.

Halst. Ev. Halsted's Digest of the Law of Evidence.

Ham. Cust. Hamel's Laws of the Customs.

Ham. Fed. Hamilton's Federalist.

Digitized by Google

Ham. Ins. Hammond on Insanity; Hammond on Fire Insurance.

Ham. Int. Hamel's International Law.

Ham. Mar. Laws. Hammick's Marriage Laws.

Ham. N. P. Hammond's Nisi Prius.

Ham. Part. Hammond on Parties to Actions.

Ham. Pl. Hammond's Principles of Pleading.

Hamilton. (Hamilton of) Haddington's Manuscript Cases, Scotch Court of Session.

Hammond. Hammond's Reports (1-9 Ohio); Hammond's Reports (36-44 Georgia).

Hammond & Jackson. Hammond & Jackson's Reports (45 Georgia).

Hamp. Tr. Hampson on Trustees.

Han. Hannay's Reports, New Brunswick.

Han. Deb. Hansard's Parliamentary Debates.

Han. Ent. Hansard's Entries.

Han. Hor. Hanover on the Law of Horses.

Han. Mar. Wom. Hanhart on the Laws Relating to Married Women.

Han. Prob. Hanson on the Probate and Legacy Acts.

Hanb. Pat. Hanbury's Judicial Error in the Law of Patents.

Hanb. Us. Hanbury-Jones on Uses.

Hanc. Conv. Hancock's System of Conveyancing (Canada).

Hand. Hand's Reports (40-45 New York).

Hand Ch. P. Hand's Chancery Practice.

Hand Cr. Pr. (or **C. P.**) Hand's Crown Practice.

Hand Fines. Hand on Fines and Recoveries.

Hand. Pat. Hands on Patents.

Handy. Handy's Ohio Reports.

Hane. Cr. Dig. Hane's United States Digest of Criminal Cases.

Hanh. Mar. Wom. Hanhart on Married Women.

Hanmer. Lord Kenyon's Notes (English King's Bench Reports), edited by Hanmer.

Hann. Hannay's New Brunswick Reports.

Hans. Al. Hansard on Aliens.

Hans. Ent. Hansard's Entries.

Hans. Parl. Deb. Hansard's Parliamentary Debates.

Hans. Pr. Hanson on Probate Acts, &c.

Har. Harmonized; Harrison; see Harr.

Har. Ch. Pr. Harrison's Chancery Practice.

Har. Col. Jur. Hargrave's Collectanea Juridica.

Har. Com. Harrison's Compilation of the Laws of New Jersey.

Har. Com. Proc. Harrison's Common Law Procedure Act, Canada.

Har. Ct. Mar. Harwood's Practice of United States Naval Courts-Martial.

Har. Dig. Harrison's English Common Law Digest; Harris' Georgia Digest.

Digitized by Google

Har. Dom. Rel. Syllabus on Harlan's Lectures on Domestic Relations.

Har. Just. Harris' Justinian.

Harv. L. R. Harvard (Law School) Law Review.

Har. Pen. Man. Harmon's Manual of United States Pension Laws.

Har. St. Tr. Hargrave's State Trials.

Har. & Gill. Harris & Gill's Maryland Reports.

Har. & John. Harris & Johnson's Maryland Reports.

Har. & McH. Harris & McHenry's Maryland Reports.

Har. & Ruth. Harrison & Rutherford's English Common Pleas Reports.

Har. & Woll. Harrison & Wollaston's English King's Bench Reports.

Harc. Harcarse's Decisions, Scotch Court of Session.

Hard. Hardin's Kentucky Reports; Hardres' English Exchequer Reports.

Hard. Eccl. L. Harding on Ecclesiastical Law.

Hard. El. Pet. Hardcastle on Election Petitions.

Hard. St. L. Hardcastle on Statutory Law.

Hard. Tr. M. Hardingham on Trade Marks.

Hardw. Cases temp. Hardwicke, by Ridgway; Cases temp. Hardwicke, by Lee.

Hardw. N. B. Hardwicke's Note Books.

Hare. Hare's English Vice Chancellors' Reports.

Hare Disc. (or Ev.) Hare on Discovery of Evidence.

Hare Elec. Hare on Elections.

Hare & Wal. L. C. American Leading Cases, edited by Hare & Wallace.

Harg. Hargrave's State Trials; Hargrove's Reports (68-75 N. C.)

Harg. Co. Litt. Hargrave's Notes to Coke on Littleton.

Harg. Coll. Jur. Hargrave's Collectanea Juridica.

Harg. Exer. Hargrave's Jurisconsult Exercitations.

Harg. Jur. Arg. Hargrave's Juridical Arguments and Collections.

Harg. L. T. Hargrave's Collection of Law Tracts.

Harg. St. Tr. Hargrave's State Trials.

Harg. Th. Hargrave on the Thellusson Act.

Hargrove. Hargrove's Reports (68-75 North Carolina).

Harl. C. B. M. Harleian Collection, British Museum.

Harm. Harmon's Reports (13-15 California); Harmon's Upper Canada Common Pleas Reports.

Harm. Pens. Harmon on the United States Pension Laws.

Harp. Harper's South Carolina Law Reports.

Harp. Con. Cas. Harper's Conspiracy Cases, Maryland.

Harp. Eq. Harper's Equity Reports, South Carolina.

Digitized by Google

Harp. L. (or S. C.) Harper's South Carolina Law Reports.

Harr. Harrison's Reports, New Jersey; Harrington's Reports, Delaware; Harrington's Chancery Reports, Michigan; Harris' Reports (13-24 Pennsylvania State); Harrison's Reports (15-17 & 23-29 Indiana).

Harr. Adv. Harris' Hints on Advocacy.

Harr. Ch. Harrison's Chancery Practice.

Harr. Com. L. Harrison's Common Law Procedure Act, Canada.

Harr. Con. La. R. Harrison's Condensed Louisiana Reports.

Harr. Cr. L. Harris' Criminal Law.

Harr. Dig. Harrison's Digest of English Common Law Reports; Harris' Georgia Digest.

Harr. Ent. Harris' Modern Entries.

Harr. Hints. Harris' Hints on Advocacy.

Harr. Just. Harris' Translation of the Institutes of Justinian.

Harr. Min. Harris on Titles to Mines.

Harr. Mun. Law. Harrison's Municipal Law of Ontario.

Harr. Pr. K. B. Harrison's Practice of the Courts of K. B. and C. P.

Harr. Prin. Harris' Principiæ Primæ Legum.

Harr. Prob. Harrison on Probate and Divorce.

Harr. Rom. Law. Harris' Elements of Roman Law.

Harr. & Cl. Conv. Harris & Clarkson on Conveyancing, &c.

Harr. & G. Harris & Gill's Maryland Reports.

Harr. & Hodg. Harrison & Hodgin's Upper Canada Municipal Reports.

Harr. & J. Harris & Johnson's Maryland Reports.

Harr. & M'H. Harris & M'Henry's Maryland Reports.

Harr. & Ruth. Harrison & Rutherfurd's English Common Pleas Reports.

Harr. & Sim. Harris & Simrall's Reports (49-52 Mississippi).

Harr. & Woll. Harrison & Wollaston's English King's Bench Reports.

Harring. Harrington's Delaware Reports; Harrington's Michigan Chancery Reports, 1842.

Harris. Harris' Pennsylvania Reports (13-24 Pennsylvania State).

Harris & Simrall. Harris & Simrall's Reports (49-52 Mississippi).

Harrison. Harrison's Reports (15-17 & 23-29 Indiana).

Hars. Pr. Harston's California Practice and Pleading.

Hart. Bank. Hart's Bankrupt Law and Practice.

Hart. Dig. Hartley's Digest of Laws, Texas.

Hart. Min. Laws. Hart's United States Mining Statutes.

Hartley. Hartley's Reports (4-10 Texas).

Hartley & Hartley. Hartley & Hartley's Reports (11-21 Texas).

Digitized by Google

Hasl. Med. Jur. Haslam's Medical Jurisprudence.

Hast. Hasting's Reports (69, 70 Maine).

Hast. Tr. Trial of Warren Hastings.

Hats. Pr. Hatsell's Parliamentary Precedents.

Hav. Ch. Rep. Haviland's Chancery Reports, Prince Edward Island.

Haw. Hawkins; see Hawk; Hawaiian Reports.

Haw. Ass. Hawes on Assignments.

Haw. Cr. Rep. Hawley's American Criminal Reports.

Haw. W. C. Hawes Will Case.

Hawk. Coke Abr. Hawkins' Abridgment of Coke's 1st Institute.

Hawk. Pl. Cr. See Hawk. P. C., or H. P. C.

Hawk. Abr. Hawkins' Abridgment of Coke upon Littleton.

Hawk. P. C. Hawkins' Pleas of the Crown.

Hawk. Wills. Hawkins' Construction of Wills.

Hawkins. Hawkins' Reports (19-24 Louisiana Annual).

Hawks. Hawks' North Carolina Reports.

Hawl. Cr. R. Hawley's American Criminal Reports.

Hay. Haywood's North Carolina Reports; Haywood's Tennessee Reports; Hayes' Irish Exchequer Reports; see also Hayes and Haynes.

Hay Acc. (or Dec.) Hay's Decisions on Accidents and Negligence.

Hay. Eq. Haynes' Outlines of Equity.

Hay Exp. Hay on Expatriation.

Hay & M. (or Marr.) Hay & Marriott's Admiralty Reports (usually cited Marriott's Reports).

Hayes Con. Conv. Hayes' Concise Conveyancer.

Hayes Conv. Hayes' Introduction to Conveyancing.

Hayes Cr. & P. Hayes on Crimes and Punishments.

Hayes Est. (or U. D. & T.) Hayes' Law of Uses, Devises and Trust.

Hayes Exch. Hayes' Irish Exchequer Reports.

Hayes Intr. Hayes' Introduction to Conveyancing.

Hayes Lim. Hayes on Limitations as to Heirs of the Body, &c.

Hayes & J. Wills. Hayes & Jarman on Wills.

Hayes & Jo. Hayes & Jones' Irish Exchequer Reports.

Hayn. Ch. Pr. Haynes' Chancery Practice.

Hayn. Eq. Haynes' Outlines of Equity.

Hayn. Lead. Cas. Haynes' Student's Leading Cases.

Hayw. Haywood's North Carolina Reports; Haywood's Tennessee Reports.

Hayw. L. R. Hayward's Law Register, Boston.

Hayw. Man. Haywood's Manual of the State Laws of North Carolina.

Haz. Pa. Reg. Hazard's Pennsylvania Register, 16 vols.

Haz. U. S. Reg. Hazard's United States Register, 6 vols.

Digitized by Google

Haz. & R. M. War. Hazlitt & Roche on Maritime Warfare.

Head. Head's Tennessee Reports.

Heal. J. S. Comp. Healy on Joint Stock Companies.

Heal. Pews. Heale's Law of Church Pews.

Heard Civ. Pl. Heard's Civil Pleading.

Heard Cr. L. Heard's Criminal Law, Massachusetts.

Heard Cr. Pl. Heard's Criminal Pleading.

Heard Cur. Rep. Heard's Curiosities of the Law Reporters.

Heard Eq. Pl. Heard's Equity Pleading.

Heard Lib. Sl. Heard on Libel and Slander.

Heard Odd. Heard's Oddities of the Law.

Heard St. Pl. Heard's edition of Stephen on Pleading.

Heath. Heath's Reports (36-40 Maine).

Heath Max. Heath's Maxims.

Heck. Cas. Hecker's Cases on Warranty.

Hein. Heineccius, Elementa Juris Naturæ et Gentium.

Heisk. Heiskell's Tennessee Reports.

Helm. Helm's Reports (2-9 Nevada).

Hem. See Hemp.

Hem. & Mill. Hemming & Miller's English Vice Chancellor's Reports.

Hemp. (or Hempst.) Hempstead's United States Circuit Court Reports.

Hen. King Henry.

Hen. Am. Pl. Hening's American Pleader.

Hen. B. L. Henley's Bankrupt Law.

Hen. For. L. Henry on Foreign Law.

Hen. Forms. Hennell's Forms.

Hen. J. P. Hening's Virginia Justice of the Peace.

Hen. La. Dig. Hennen's Louisiana Digest.

Hen. Man. Cas. Henry's Manumission Cases.

Hen. Max. Hening's Maxims.

Hen. St. Hening's Virginia Statutes.

Hen. & Mun. Hening & Hunford's Virginia Reports.

Heng. Hengham.

Henry Judg. Henry's Judgment in Odwin v. Forbes.

Hent Forms. Hent's Forms and Use of Blanks in California.

Hepb. Hepburn's Reports (3, 4 California).

Her. Herne's Pleader's Guide.

Her. Char. U. Herne on Charitable Uses.

Her. Chat. Herman on Chattel Mortgages.

Her. Est. Herman's Law of Estoppel.

Her. Ex. Herman's Law of Executors.

Her. Jur. Heron's History of Jurisprudence.

Her. Mort. Herman on Mortgages of Real Estate.

Her. Prec. Herne's Precedents.

Digitized by Google

Herb. Ant. Herbert's Antiquities of the Inns of Court, &c.

Herm. Herman, see Her.

Herne. See Her.

Hert. M. & Serv. Hertslet on Master and Servant.

Hert. Map. Eur. Hertslet's Map of Europe.

Hert. Treat. Hertslet's Treaties.

Het. (or **Hetl.**) Hetley's English Common Pleas Reports.

Heyl Imp. D. Heyl's United States Import Duties.

Heyw. Co. Ct. Heywood's County Courts Practice.

Heyw. Elec. Heywood on Elections.

Hic. Here (in the same paragraph or title).

Hick. Ct. Mar. Hickman on Naval Courts-Martial.

Hig. Pat. Dig. Higgin's Digest of Patent Cases.

Hig. Waterc. Higgins on Pollution and Destruction of Watercourses.

High. Bail. Highmore on Bail.

High Ct. High Court Reports, Northwest Provinces of India.

High Ex. Rem. High on Extraordinary Legal Remedies.

High Inj. High on Injunctions.

High. Lun. Highmore on Lunacy.

High. Mort. Highmore on Mortmain.

High Rec. High on the Law of Receivers.

Hil. Hilliard, see Hill, below; Hilary.

Hil. T. Hilary Term.

Hil. Vac. Hilary Vacation.

Hild. Ins. Hildyard on Insurance.

Hild. Mar. Ins. Hildyard's Marine Insurance.

Hill. Hill's New York Reports; Hill's Law Reports, South Carolina.

Hill & Den. Lalor's Supplement to Hill & Denio's Reports, New York.

Hill. Abr. Hilliard's Abridgment of Real Property Law.

Hill. Am. Jur. Hilliard on American Jurisprudence.

Hill. Am. Law. Hilliard on American Law.

Hill. Bank (or **B. & I.**) Hilliard on Bankruptcy and Insolvency.

Hill Ch. Pr. Hill's Chancery Practice.

Hill. Cont. Hilliard on the Law of Contracts.

Hill Eq. (or **Ch.**) Hill's Equity South Carolina Reports, 1833-1837.

Hill Fixt. Hill's Law of Fixtures.

Hill Ill. Chy. Hill's Illinois Chancery Practice.

Hill Ill. Com. Law. Hill's Illinois Common Law Jurisdiction and Practice.

Hill, Inj. Hilliard on the Law of Injunctions.

Hill Lib. & Law. Hill's Liberty and Law.

Hill. Mor. Hilliard on the Law of Mortgages.

Digitized by Google

Hill. N. Tr. Hilliard on the Law of New Trials.

Hill. N. Y. Hill's New York Reports.

Hill Prob. Hill's Illinois Probate Jurisdiction and Practice.

Hill. Real Prop. Hilliard on the Law of Real Property.

Hill. Rem. Hilliard on Remedies for Torts.

Hill S. C. Hill's South Carolina Reports (Law or Equity.)

Hill. Sales. Hilliard on Sales of Personal Property.

Hill. Tax. Hilliard on the Law of Taxation.

Hill. Torts. Hilliard on the Law of Torts.

Hill Tr. Hill on Trustees.

Hill. Vend. Hilliard on the Law of Vendors.

Hillyer. Hillyer's Reports (20-22 California).

Hilt. Hilton's New York Common Pleas Reports.

Hind. Pat. Hindmarch on Patents.

Hind Pr. Hind's Practice.

Hine & N. Ass. Hine & Nicholas on Assignment of Life Policies.

Hine & N. Dig. Hine & Nicholas Insurance Digest.

Hirsh Juries. Hirsh on Juries.

Hitt. Cod. Hittell's California Codes.

Ho. Lords Cas. House of Lord's Cases (Clark's).

Hob. Hobart's English King's Bench Reports.

Hodg. Hodges' English Common Pleas Reports; Hodgin's Election Cases, Canada.

Hodg. Ry. Hodge's Law of Railways.

Hoff. Hoffman's Land Cases, United States District Court; Hoffman's New York Chancery Reports.

Hoff. Ch. Hoffman's New York Chancery Reports.

Hoff. Ch. Pr. Hoffman's Chancery Practice.

Hoff. Ecc. L. Hoffman's Ecclesiastical Law.

Hoff. L. C. Hoffman's Land Cases.

Hoff. Leg. St. Hoffman's Course of Legal Study.

Hoff. Mast. Ch. Hoffman's Master in Chancery.

Hoff. N. Y. Hoffman's New York Chancery Reports.

Hoff. Out. Hoffman's Legal Outlines.

Hoff. Pr. Rem. Hoffman's Provisional Remainders.

Hoff. Pub. P. Hoffman's Public Papers, New York.

Hoffm. Ch. Hoffman's New York Chancery Reports.

Hog. Hogan's Irish Rolls Court Reports; (Hog. of) Harcarse's Scotch Session Cases.

Hog. St. Tr. Hogan's State Trials, Pennsylvania.

Hogue. Hogue's Reports (1-4 Florida.

Holc. Debt. & Cr. Holcombe's Law of Debtor and Creditor.

Holc. Eq. Jur. Holcombe's Equity Jurisdiction.

Digitized by Google

Holc. L. Cas. Holcombe's Leading Cases on Commercial Law.

Holl. Comp. Deeds. Holland on Composition Deeds.

Holl. El. Jur. Holland's Elements of Jurisprudence.

Holl. Just. Holland's Institutes of Justinian.

Hollinshead. Hollinshead Minnesota Reports.

Holm. Holmes' United States Circuit Court Reports.

Holm. Com. Law. Holmes on the Common Law.

Holm. Statesman. Holmes' Statesman.

Holt. Holt's English King's Bench Reports; Holt's English Nisi Prius Reports; Holt's English Equity Reports.

Holt Adm. Ca. Holt's English Admiralty Cases (Rule of the Road).

Holt Eq. Holt's English Equity Reports.

Holt Lib. Holt on Libels.

Holt N. P. Holt's English Nisi Prius Reports.

Holt Nav. Holt on Navigation.

Holt Reg. Holt on Registration of Title.

Holt R. of R. Holt's Rule-of-the-Road Cases.

Holt Sh. Holt on Shipping.

Home. Home's Manuscript Decisions, Scotch Court of Sessions; see also Kames.

Home (Cl.) Clerk Home, Scotch Session Cases.

Hood Ex. Hood on Executors.

Hooker. Hooker's Reports (26 Connecticut).

Hoonahan. Hoonahan's Sind Reports, India.

Hop. Hopkins, see Hopk.

Hop. & C. Hopwood & Coltman's English Registration Cases.

Hop. & Ph. Hopwood & Philbrick's English Registration Cases.

Hope. Hope (of Kerse) Manuscript Decisions, Scotch Court of Sessions.

Hope Com. Law. Hope's Compendium of the Commercial Law of the Pacific.

Hope Maj. Pr. Sir Thomas Hope's Major Practicks (Scotland).

Hope Min. Pr. Sir Thomas Hope's Minor Practicks (Scotland).

Hopk. Adm. (or Judg.) Hopkinson's Pennsylvania Admiralty Judgments.

Hopk. Adm. Dec. Admiralty Decisions of Hopkinson, in Gilpin's Reports.

Hopk. Av. Hopkins on Average.

Hopk. Ch. Hopkins' New York Chancery Reports.

Hopk. Mar. Ins. Hopkins on Marine Insurance.

Hopk. W. Hopkinson's (Francis) Works.

Hopw. & Colt. Hopwood & Coltman's English Registration Appeal Cases.

Hopw. & Phil. Hopwood & Philbrick's English Registration Appeal Cases.

Hor. & Th. Cas. Horrigan & Thompson's Cases on Self-Defence.

Digitized by Google

Horn. & H. Horn & Hurlstone's English Exchequer Reports.

Horne Dip. Horne on Diplomacy.

Horne Mir. Horne's Mirrour of Justices.

Horr. & Th. Horrigan & Thompson's Cases on Self-Defence.

Horw. Y. B. (Horwood's) Year Books of Edward I.

Hou. Ang. Sax. Law. Houard's Anglo-Saxon Laws, &c.

Hou. Dict. Houard's Dictionary of the Customs of Normandy.

Houck Mech. Lien. Houck on Mechanics' Lien Law.

Houck. Riv. Houck on the Law of Navigable Rivers.

Hough Am. Cons. Hough's American Constitutions.

Hough C. M. Hough's Military Law and Courts-Martial.

Hough C.-M. Cas. Hough's Courts-Martial Case Book, London, 1821.

Hous. Pr. Housman's Precedents in Conveyancing.

Houst. Houston's Delaware Reports.

Houst. Cr. Cas. Houston's Delaware Criminal Cases.

Houst. St. Tr. Houston's Law of Stoppage in Transitu.

Hov. Fr. Hovenden on Frauds.

Hov. Sup. Hovenden's Supplement to Vesey, Jr.'s, English Chancery Reports.

How. Howard's United States Supreme Court Reports; Howard's Mississippi Reports; Howard's N. Y. Practice Reports.

How. App. Howard's New York Court of Appeals Cases.

How. Cas. Howard's New York Court of Appeals Cases; Howard's Popery Cases.

How. Ch. Pr. Howard's Chancery Practice.

How. Cr. Tr. Howison's Criminal Trials (Virginia).

How. Eq. Ex. Howard's Equity Exchequer Practice, Ireland.

How. Pat. Howson on Patents.

How. Po. Ca. Howard's Popery Cases (Ireland).

How. Pr. Howard's New York Practice Reports.

How. Prob. Pr. Howell's Probate Practice, Ontario.

How. S. C. (or U. S.) Howard's United States Supreme Court Reports.

How. St. Tr. Howell's English State Trials.

Howe Pr. Howe's Practice, Massachusetts.

Hows. Pat. Howson on Patents.

Hows. Reis. Pat. Howson on Reissued Patents.

Hoyt. Comp. L. Hoyt's Compiled Laws of Arizona.

Hu. Hughes, see Hugh.

Hub. Leg. Dir. Hubbell's Legal Directory.

Hub. Suc. (or Ev.) Hubback's Evidence of Succession.

Hubbard. Hubbard's Reports (45-51 Maine).

Hud. Exec. Hudson's Executor's Guide.

Digitized by Google

Hud. Wills. Hudson on Wills.

Hud. & Br. Hudson & Brooke's Irish King's Bench Reports.

Hugh. Hughes' United States Circuit Court Reports; Hughes' Kentucky Reports; Hughes' Entries.

Huff. Neg. Ins. Huffcutt on Law of Negotiable Instruments.

Hugh. Abr. Hughes' Abridgment.

Hugh. Con. Hughes' Precedents in Conveyancing.

Hugh. Ent. Hughes' Book of Entries.

Hugh. Eq. D. Hughes' edition of Van Heythuysen's Equity Draftsman.

Hugh. Ins. Hughes on Insurance.

Hugh. Prec. Hughes' Precedents in Conveyancing.

Hugh. Wills. Hughes on Wills.

Hugh. Wr. Hughes on Writs.

Hull. Costs. Hullock on Costs.

Hult. Conv. Hulton on Conviction.

Hum. Humphrey's Tennessee Reports.

Hume. Hume's Scotch Session Cases.

Hume Com. (or Cr.) Hume's Commentaries on Crimes, Scotland.

Humph. Humphrey's Tennessee Reports.

Humph. Prec. Humphrey's Precedents.

Hun. Hun's New York Supreme Court Reports.

Hunt. Bound. Hunt's Law of Boundaries and Fences.

Hunt. Cas. Hunt's Annuity Cases.

Hunt. Eq. Hunt's Suit in Equity.

Hunt Fr. Conv. Hunt's Law of Fraudulent Conveyances.

Hunt. L. & T. Hunter on Landlord and Tenant.

Hunt. Mer. Mag. Hunt's Merchants' Magazine, New York.

Hunt. Rom. L. Hunter on Rom. Law.

Hunt. Suit. Hunter's Proceedings in a Suit in Equity.

Hunt. Tr. Huntingdon's Trial (for Forgery).

Hur. Hurlstone, see Hurl.

Hurd F. & B. Hurd on the Laws of Freedom and Bondage in the United States.

Hurd. Hab. Cor. Hurd on the Writ of Habeas Corpus.

Hurd. Pers. Lib. Hurd on Personal Liberty.

Hurd. St. Hurd's Illinois Statutes.

Hurl. Bonds. Hurlstone on Bonds.

Hurl. & Colt. Hurlstone & Coltman's English Exchequer Reports.

Hurl. & Gord. Hurlstone's & Gordon's Reports (10, 11 Exchequer Reports, English).

Hurl. & Nor. Hurlstone & Norman's English Exchequer Reports.

Hurl. & Walm. Hurlstone & Walmsley's English Exchequer Reports.

Husb. For. Med. Husband's Forensic Medicine.

Husb. Mar. Wom. Husband on Married Women.

Digitized by Google

Hust. L. Tit. Huston on Land Titles in Pennsylvania.

Hut. (or **Hutt.**) Hutton's English Common Pleas Reports.

Hut. (or **Hutt.**) **Ct. Req.** Hutton's Courts of Request.

Hutch. Car. Hutchinson on Carriers.

Hutch. J. P. Hutcheson's Justice of the Peace.

Hux. Judg. Huxley's Book of Judgments, see Townsend.

I.

I. Idaho; Illinois; Indiana; Iowa; Irish, see Ir.; Institutes (of Justinian).

I. A. Irish Acts.

I. (or **I. S.**) **C. C.** Inter-State Commerce-Commission Reports.

I. C. L. R. Irish Common Law Reports.

I. C. R. Irish Chancery Reports; Irish Circuit Reports.

I. E. R. Irish Equity Reports.

I. J. Irish Jurist, Dublin.

I. J. C. Irvine's Justiciary Cases, Scotland.

I. J. N. S. Irish Jurist, New Series.

I. L. T. Irish Law Times, Dublin.

I. R. Irish Reports, see Ir. R.

I. R. C. L. Irish Reports, Common Law Series.

I. R. Eq. Irish Reports, Equity Series.

I. R. R. Internal Revenue Record, New York City.

I. T. R. Irish Term Reports, by Ridgway, Lapp & Schoales.

Ia. Iowa Reports.

Ib. Ibidem (the same).

Id. Idem (the same); Idaho.

Ida. Idaho; Idaho Reports.

Il Cons. Mar. Il Consolato del Mare.

Ill. Illinois; Illinois Reports.

Ill. App. Illinois Appellate Court Reports.

Ill. Forest. Illingsworth on Forestalling.

Ill. L. Rec. Illinois Law Record, Chicago.

Imp. Man. Impey's Law of Mandamus.

Imp. Pl. Impey's Modern Pleader's Guide.

Imp. Pr. C. B. Impey's Practice, Common Pleas.

Imp. Sh. Impey's Office of Sheriff.

Ind. Indiana; Indiana Reports; India; (East) Indian; Index.

Ind. App. Law Reports, Indian Appeals; Indiana Appeals Reports.

Ind. Com. Law. Indermaur's Principles of the Common Law.

Ind. Div. Inderwick on Divorce and Matrimonial Causes.

Ind. Jud. Pr. Indermaur's Practice in the Supreme Court of Judicature.

Ind. Jur. Indian Jurist, Calcutta; Indian Jurist, Madras.

Digitized by Google

Ind. L. C. Com. Law. Indermaur's Epitome of Leading Common Law Cases.

Ind. L. C. Eq. Indermaur's Leading Cases in Conveyancing and Equity.

Ind. L. R. (East) Indian Law Reports.

Ind. L. Reg. Indiana Legal Register, Lafayette.

Ind. Rep. Indiana Reports; Index Reporter.

Ind. Super. Indiana Superior Court Reports (Wilson's).

Ind. T. Indian Territory.

Ind. Wills. Inderwick on Wills.

Inf. Infra (beneath or below); In fine (at the end of a paragraph or title); Inferior.

Inf. Law. Infant's Lawyer.

Ing. Comp. Ingram on Compensation for Lands, &c.

Ing. Dig. Ingersoll's Digest of the Laws of the United States.

Ing. Hab. Corp. Ingersoll on Habeas Corpus.

Ing. Insolv. Ingraham on Insolvency, Pennsylvania.

Ing. Roc. Ingersoll's edition of Roccus' Maritime Law.

Ing. Ves. Ingraham's edition of Vesey, Jun.

Inj. Injunction.

Inn. Ease. Innes on Easements.

Inn. Sc. Leg. Ant. Innes on Scotch Legal Antiquities.

Ins. Insurance; Insolvency.

Ins. L. J. Insurance Law Journal, New York and St. Louis.

Ins. Mon. Insurance Monitor, New York.

Ins. Rep. Insurance Reporter, Philadelphia.

Insolv. Insolvency; Insolvent Debtors' Courts.

Inst. Institutes; Coke's Institutes; Institutes of Justinian.

Inst. C. C. Interstate Commerce Cases.

Inst. Jur. Angl. Institutiones Juris Anglicani by Cowell.

Int. Introduction.

Int. Cas. Rowe's Interesting Cases (English and Irish).

Int. Law. Tr. International Law Tracts.

Int. Rev. Rec. Internal Revenue Record, New York.

Iowa. Iowa Reports.

Ir. Irish; Ireland; Iredell's N. C. Law or Equity Reports.

Ir. C. L. Irish Common Law Reports.

Ir. Ch. Irish Chancery Reports.

Ir. Cir. Irish Circuit Reports.

Ir. Eccl. Irish Ecclesiastical Reports, by Milward.

Ir. Eq. Irish Equity Reports.

Ir. Jur. Irish Jurist, Dublin.

Ir. L. Irish Law Reports.

Ir. L. N. S. Irish Common Law Reports.

Ir. L. R. Irish Law Reports (1838-1850); The Law Reports, Ireland.

Ir. L. T. Irish Law Times, Dublin.

Ir. L. T. Rep. Irish Law Times Reports.

Digitized by Google

Ir. Law & Ch. Irish Common Law and Chancery Reports (New Series).

Ir. Law & Eq. Irish Law and Equity Reports (Old Series).

Ir. Law Rec. Irish Law Recorder.

Ir. Law Rep. Irish Law Reports (1838-1850).

Ir. Law Rep. N. S. Irish Common Law Reports.

Ir. R. C. L. Irish Reports, Common Law Series.

Ir. R. Eq. Irish Reports, Equity Series.

Ir. R. Reg. App. Irish Reports, Registration Appeals.

Ir. R. Reg. & L. Irish Reports, Registry and Land Cases.

Ir. St. Tr. Irish State Trials (Ridgeway's).

Ir. Stat. Irish Statutes.

Ir. T. R. Irish Term Reports (by Ridgeway, Lapp & Schoales).

Ired. Iredell's North Carolina Law Reports.

Ired. Dig. Iredell's North Carolina Digest.

Ired. Eq. Iredell's North Carolina Equity Reports.

Irons Pol. Law. Irons on Police Law.

Irons Pub. H. Irons on Public Houses.

Irv. Irvine's Scotch Justiciary Reports.

Irv. Civ. Law. Irving's Civil Law.

Iv. Ersk. Ivory's Notes on Erskine's Institutes.

Ives Mil. Law. Ives on Military Law.

J.

J. Jurisconsultus; Scottish Jurist, Edinburg; King James; Justice; Institutes of Justinian; Johnson's New York Reports.

J. A. Judicature Acts of England.

J. A. G. Judge-Advocate-General.

J. C. Johnson's Cases, New York Supreme Court.

J. C. P. Justice of the Common Pleas.

J. Ch. (or **J. C. R.**) Johnson's New York Chancery Reports.

J. d'Ol. Les Jugemens d'Oleron.

J. Glos. Juncta Glossa.

J. H. Journal of the House.

J. J. Mar. J. J. Marshall's Kentucky Reports.

J. K. B. Justice of the King's Bench.

J. Kel. Sir John Kelyng's English Crown Cases.

J. P. Justice of the Peace.

J. P. Sm. J. P. Smith's English King's Bench Reports.

J. Q. B. Justice of the Queen's Bench.

J. R. Johnson's New York Reports.

J. S. Gr. J. S. Greene's New Jersey Reports.

Digitized by Google

J. U. B. Justice of the Upper Bench.

J. & H. Johnson & Hemming's English Vice Chancellors' Reports.

J. & H. Hind. L. Johnson & Houghton's Institutes of Hindu Law.

J. & La. T. Jones & La Touche's Irish Chancery Reports.

J. & S. Jones & Spencer's New York Superior Court Reports.

J. & V. Jones & Varick's Laws of New York.

J. & W. Jacob & Walker's English Chancery Reports.

JJ. Justices.

Jac. Jacobus (King James); Jacob's English Chancery Reports.

Jac. Dict. Jacob's Law Dictionary.

Jac. Fish. Dig. Jacob's American edition of Fisher's English Digest.

Jac. Int. Jacob's Introduction to the Common, Civil and Canon Law.

Jac. L. D. Jacob's Law Dictionary.

Jac. L. G. Jacob's Law Grammar.

Jac. Lex. Mer. Jacob's Lex Mercatoria, or the Merchants' Companion.

Jac. Sea Laws. Jacobsen's Law of the Sea.

Jac. & Walk. Jacob & Walker's English Chancery Reports.

Jack. App. Jackson's Court of Appeals Reports, Texas.

Jack. Geo. Ind. Jackson's Index to the Georgia Reports.

Jack. Pl. Jackson on Pleading.

Jackson. Jackson's Reports (46-58 Georgia).

Jackson & Lumpkin. Jackson & Lumpkin's Reports (59-64 Georgia).

Jam. St. Jamaica Statutes.

James. James' Nova Scotia Reports; King James.

James Bk. L. James' Bankrupt Law.

James. Const. Con. Jameson's Constitutional Convention.

James Ct. Mar. James on Courts-Martial.

James Fr. Soc. James' Guide to Friendly Societies.

James J. S. James' Law of Joint Stock Companies.

James Op. James' Opinions, Charges, &c.

James Salv. James on Salvage.

James Sel. Cas. James' Select Cases Nova Scotia.

James Sh. James on Shipping.

James & Mont. Jameson & Montagu's English Bankruptcy Reports (in 2 Glyn & Jameson).

Jan. Angl. Jani Anglorum.

Jar. Chy. Tr. Jarman's Chancery Practice.

Jar. Cr. Tr. Jardine's Criminal Trials.

Jar. Pow. Dev. Jarman's edition of Powell on Devises.

Jar. Prec. Bythewood & Jarman's Precedents.

Digitized by Google

Jar. Wills. Jarman on Wills.

Jar. & By. Conv. Jarman & Bythewood's Conveyancing.

Jard. Ind. Jardine's Index to Howell's State Trials.

Jarm. Jarman, see Jar.

Jctus. Jurisconsultus.

Jeaf. Jeaffreson's Book about Lawyers.

Jebb (or **Jebb C. C.**) Jebb's Irish Crown Cases.

Jebb & B. Jebb & Bourke's Irish Queen's Bench Reports.

Jebb & S. Jebb & Symes' Irish Queen's Bench Reports.

Jeff. Jefferson's Virginia Reports.

Jeff. Man. Jefferson's Manual of Parliamentary Practice.

Jenck. Bills. Jencken on Bills of Exchange, &c.

Jenck. Neg. B. Jencken on Negotiable Bonds.

Jenk. (or **Jenk. Cent.**) Jenkins' Eight Centuries of Reports, English Exchequer.

Jenk. Cl. Ass. Jenkins' Clerk's Assistant.

Jenn. Jennison's Reports (14-18 Michigan).

Jenn. Sug. A. Jennett's Sugden's Acts.

Jer. Car. Jeremy on Carriers.

Jer. Eq. Jur. Jeremy's Equity Jurisdiction.

Jerr. Copyr. Jerrold on Copyright.

Jerv. Cor. Jervis on Coroners.

Jerv. N. R. Jervis' New Rules.

Jev. Cr. Law. Jevons on Criminal Law.

Jick. Est. Jickling on Equitable Estates.

Jo. Jones, see Jon. and Jones.

Jo. Jur. Jonrnal of Jurisprudence.

Jo. & La T. Jones & La Touche's Irish Chancery Reports.

Jo. & McM. Jones & McMurtrie's Pennsylvania State Reports.

John. (or **Johns.**) Johnson's New York Reports; Johnson's Reports of Chase's Decisions; Johnson's Reports, Chancery, Maryland; Johnson's English Vice Chancellors' Reports.

Johns. Bills. Johnson on Bills of Exchange, &c.

Johns. Cas. Johnson's New York Cases.

Johns. Ch. Johnson's New York Chancery Reports; Johnson's English Vice Chancellor's Reports; Johnson's Maryland Chancery Decisions.

Johns. Civ. L. Sp. Johnson's Civil Law of Spain.

Johns. Ct. Err. Johnson's Reports, New York Court of Errors.

Johns. Dec. Johnson's Maryland Chancery Decisions.

Johns. Eccl. L. Johnson's Ecclesiastical Law.

Johns. Mar. R. Johnson on Maritime Rights.

Johns. Pat. Man. Johnson's Patentee's Manual.

Johns. Rep. Johnson's Reports, New York Supreme Court.

Digitized by Google

Johns. Tr. Johnson's Impeachment Trial.

Johns. U. S. Johnson's Reports of Chase's U. S. Circuit Court Decisions.

Johns. V. C. Johnson, English Vice Chancellors' Reports.

Johns. & Hem. Johnson & Hemming's English Chancery Reports.

Johnst. Inst. Johnston's Institutes of the Laws of Spain.

Johnst. (N. Z.) Johnston's Reports, New Zealand.

Jon. Jones, see Jones.

Jon. Eas. Jones' Law of Easements.

Jones 1. Sir William Jones' English King's Bench Reports.

Jones 2. Sir Thomas Jones' English King's Bench Reports.

Jones. Jones' Reports, (43-48, 52-57, 61, 62 Alabama); Jones' Reports (11, 12 Pennsylvania State); Jones' Reports (22-30 Missouri); Jones' Law or Equity Reports, North Carolina; Jones' Irish Exchequer Reports; Jones' Upper Canada Common Pleas Reports.

Jones B. Jones' Law of Bailments.

Jones, Barclay & Whittlesey. Jones, Barclay & Whittlesey's Reports (31 Missouri).

Jones Ch. Mort. Jones on Chattel Mortgages.

Jones Eq. Jones' North Carolina Equity Reports.

Jones Fr. Bar. Jones' History of the French Bar.

Jones Inst. Jones' Institutes of Hindu Law.

Jones Intr. Jones' Introduction to Legal Science.

Jones L. Of. T. Jones on Land Office Titles.

Jones Lib. Jones' Law of Libel.

Jones Mort. Jones on Mortgages.

Jones N. C. Jones' North Carolina Law Reports.

Jones (Pa.). Jones' Reports (11, 12 Pennsylvania State).

Jones Ry. Sec. Jones' Railway Securities.

Jones Salv. Jones' Law of Salvage.

Jones T. Sir Thomas Jones' English King's Bench Reports.

Jones U. C. Jones' Reports, Upper Canada.

Jones Uses. Jones' Law of Uses.

Jones W. Sir William Jones' English King's Bench Reports.

Jones & C. Jones & Cary's Irish Exchequer Reports.

Jones & H. Hind. Law. Jones & Haughton's Hindu Law.

Jones & La T. Jones & La Touche's Irish Chancery Reports.

Jones & Sp. Jones & Spencer's New York Superior Court Reports.

Jord. Jt. St. Comp. Jordan on Joint Stock Companies.

Jord. P. J. Jordan's Parliamentary Journal.

Jour. Jur. Journal of Jurisprudence (Hall's).

Jour. Jur. (Sc.) Journal of Jurisprudence and Scottish Law Magazine, Edinburg.

Digitized by Google

Jour. Law. Journal of Law, Philadelphia.

Jour. Ps. Med. Journal of Psychological Medicine and Medical Jurisprudence.

Jour. Soc. Civ. Journal des Societes Civiles et Commerciales, Paris.

Jour. Trib. Com. Journal des Tribunaux de Commerce, Paris.

Joy Acc. Joy on Evidence of Accomplices.

Joy Chal. Joy on the Challenge of Jurors.

Joy Conf. Joy on the Admissibility of Conferences.

Joy Ev. Joy on Evidence of Accomplices.

Joy Leg. Ed. Joy on Legal Education.

Joyce. Joyce on Injunctions.

Joyce Lim. Joyce on Limitations.

Joyce Prac. Inj. Joyce on the Law and Practice of Injunctions.

Joyce Prin. Inj. Joyce on the Doctrines and Principles of the Law of Injunctions.

Joyn. Lim. Joynes on Limitations.

Jud. Judgments; Judicial; Judicature; Book of Judgments.

Jud. Chr. Judicial Chronicle.

Jud. Com. P. C. Judicial Committee of the Privy Council.

Jud. Rep. Judicial Repository.

Jud. & Sw. Judah & Swan's Reports, Jamaica.

Judg. U. B. Judgments in the Upper Bench and Common Pleas.

Jur. The Jurist, London, 1854 [or, the Jurist or Quarterly Journal of Jurisprudence, 1827; or the Jurist, Washington; or the Jurist, New York]; Crompton's Jurisdiction of Courts.

Jur. Eccl. Jura Ecclesiastica.

Jur. Mar. Molloy's De Jure Maritimo.

Jur. N. S. The Jurist New Series, London.

Jur. N. Y. The Jurist, or Law and Equity Reporter, New York.

Jur. Ros. Roscoe's Jurist, London.

Jur. (Sc.) The Scottish Jurist, Edinburgh.

Jur. Soc. P. Juridical Society Papers, London.

Jur. St. Juridical Styles, Scotland.

Jurid. Rev. The Juridical Review, Edinburgh.

Juris. Jurisprudence.

Jurist. The Jurist, see Jur.

Jurispr. The Jurisprudent, Boston.

Jus. Code. Justices' Code (Oregon); Code of Justinian.

Jus. Inst. Institutes of Justinian.

Jus. Nav. Rhod. Jus. Navale Rhodiorum.

Just. Itin. Justice Itinerant or of Assize.

Just. P. The Justice of the Peace, London (periodical).

Just. S. L. Justice's Sea Law.

Juta. Juta's Cape of Good Hope Reports.

Digitized by Google

K.

K. King; Keys' New York Court of Appeals Reports; Kenyon's English King's Bench Reports.

K. B. King's Bench.

K. C. King's Council.

K. C. R. Reports in the Time of Chancellor King.

K. S. King's Sergeant.

K. & B. Dig. Kerford & Box's Victorian Digest.

K. & G. Keane & Grant's English Registration Appeal Cases.

K. & J. Kay & Johnson's English Vice-Chancellors' Reports.

K. & O. Knapp & Ombler's English Election Cases.

K. & R. Kent & Radcliff's Laws of New York (Revision of 1801).

Kam. Kames' Decisions of the Scottish Court of Session.

Kam. Eluc. Kames' Elucidations of the Laws of Scotland.

Kam. Eq. Kames' Principles of Equity.

Kam. Ess. Kames' Essays.

Kam. L. Tr. Kames' Historical Law Tracts.

Kam. Rem. Dec. Kames' Remarkable Decisions, Scotch Court of Session.

Kam. Sel. Dec. Kames' Select Decisions, Scotch Court of Session.

Kan. (or **Kans.**) Kansas; Kansas Reports.

Kan. App. Kansas Court of Appeals Reports.

Katch. Pr. Law. Katchenovsky's Prize Law.

Kay. Kay's English Vice Chancellors' Reports.

Kay Ship. Kay on the Law of Shipmasters and Seamen.

Kay & Johns. Kay & Johnson's English Vice Chancellors' Reports.

Ke. Keen's English Rolls Court Reports.

Keane & Gr. Keane & Grant's English Registration Appeal Cases.

Keat. Fam. Sett. Keating on Family Settlements.

Keb. Keble's English Bench Reports.

Keb. J. Keble's Justice of the Peace.

Keb. Stat. Keble's Statutes.

Keen. Keen's English Rolls Court Reports.

Keil. (or **Keilw.**) Keilway's English King's Bench Reports.

Kel. 1. Sir John Kelyng's English Crown Cases.

Kel. 2. Wm. Kelynge's English Chancery Reports.

Kel. An. Kelly on Life Annuities.

Kel. Cont. Kelly on Contracts of Married Women.

Kel. Ga. Kelly's Georgia Reports (1-3 Georgia).

Kel. J. Sir John Kelyng's English Crown Cases.

Digitized by Google

Kel. Life Ann. Kelly on Life Annuities.

Kel. Sc. Fac. Kelly on Scire Facias.

Kel. Us. Kelly's Law of Usury.

Kel. W. Wm. Kelynge's English Chancery Reports.

Kelh. Dict. Kelham's Norman-French Law Dictionary.

Kelk. Jud. Acts. Kelke's Judicature Acts.

Kelly. Kelly's Reports (1-3 Georgia).

Kelly & Cobb. Kelly & Cobb's Reports (4, 5 Georgia).

Ken. Kentucky, see Ky.; Kennedy, see Kenn.

Ken. Dec. Kentucky Decisions, by Sneed.

Kenan. Kenan's Reports (76-85 North Carolina).

Kenn. Ch. Kennedy's Chancery Practice.

Kenn. Ct. Mar. Kennedy on Courts-Martial.

Kenn. Gloss. Kennet's Glossary.

Kenn. Imp. Kennett upon Impropriations.

Kenn. Jur. Kennedy on Juries.

Kenn. Pr. Kennedy's Chancery Practice.

Kent. Kent's Commentaries on American Law; Kentucky, see Ky.

Keny. Kenyon's English King's Bench Reports.

Keny. Ch. (or **3 Keny.**) Chancery Reports at the end of 2 Kenyon.

Kern. Kernan's Reports (11-14 New York Court of Appeals).

Kerr. Kerr's New Brunswick Reports; Kerr's Reports (18-22 Indiana).

Kerr Act. Kerr's Actions at Law.

Kerr Anc. L. Kerr on Ancient Lights.

Kerr Black. Kerr's Blackstone.

Kerr Disc. Kerr's Law of Discovery.

Kerr Ext. Kerr on Interstate Extradition.

Kerr Fr. Kerr's Law of Fraud and Mistake.

Kerr Inj. Kerr on Injunctions.

Kerr Rec. Kerr on Receivers.

Kerr Stu. Black. Kerr's Student's Blackstone.

Kerse. Kerse's Manuscript Decisions, Scotch Court of Session.

Key. Keye's New York Court of Appeals Reports.

Key Ch. Keys on Future Interest in Chattels.

Key. Lands. Keyes on Future Interest in Lands.

Key. Rem. Keyes on Remainders.

Keyl. Keilwey's (or Keylway's) English King's Bench Reports.

Keys St. Ex. Keyser on Stock Exchange.

Kilk. Kilkerran's Decisions, Scotch Court of Session.

King. King's Reports (5, 6 Louisiana Annual).

King Cas. Cases in King's Colorado Civil Practice.

Digitized by Google

King Cas. temp. Select Cases temp. King, English Chancery.

King Dig. King's Tennessee Digest.

Kir. (or Kirb.) Kirby's Connecticut Reports.

Kirt. Sur. Pr. Kirtland on Practice in Surrogates' Courts.

Kisb. Ir. Land L. Kisbey on the Irish Land Law.

Kit. Jur. (or Ct.) Kitchin on Jurisdictions of Courts-Leet, Courts-Baron, &c.

Kn. (or Kn. A. C.) Knapp's Appeal Cases (English Privy Council).

Kn. Civ. Proc. Knox on Civil Procedure in India.

Kn. Cr. Law. Knox, Bengal Criminal Law.

Kn. N. S. W. Knox, New South Wales Reports.

Kn. & Moo. Knapp & Moore's Reports (3 Knapp's Privy Council Reports).

Kn. & O. Knapp & Ombler's English Election Reports.

Knowles. Knowles' Reports (3 Rhode Island).

Kulp. Luzerne Legal Register Reports, by Kulp.

Ky. Kentucky; Kentucky Reports.

Ky. Dec. Sneed's Kentucky Decisions.

Kyd Aw. Kyd on Awards.

Kyd Bills. Kyd on Bills of Exchange.

Kyd Corp. Kyd on Corporations.

L.

L. Liber; Law; Loi; Limited; Lansing's Supreme Court Reports, New York.

L. Abr. Lilly's Abridgment.

L. All. Leges Allemanni.

L. Bai. Leges Baiarum.

L. C. Lord Chancellor; Lower Canada; Leading Cases.

L. C. B. Lord Chief Baron.

L. C. C. C. Lower Canada Civil Code.

L. C. C. P. Lower Canada Civil Procedure.

L. C. Eq. White & Tudor's Leading Cases in Equity.

L. C. G. Lower Courts Gazette, Toronto.

L. C. J. Lord Chief Justice; Lower Canada Jurist, Montreal.

L. C. L. J. Lower Canada Law Journal, Montreal.

L. C. R. Lower Canada Reports.

L. Dict. Law Dictionary.

L. E. Law of Evidence (Gilbert's).

L. F. Leges Forestarum.

L. Fr. Law French.

L. H. C. Lord High Chancellor.

L. I. Legal Intelligencer, Philadelphia.

L. I. L. Lincoln's Inn Library.

L. J. The Law Journal, London; Law Journal, see Hall; Lord Justices' Court; Journal of the House of Lord.

Digitized by Google

L. J. Adm. Law Journal, New Series, Admiralty.

L. J. App. Law Journal, New Series, Appeals.

L. J. Bank. Law Journal, New Series, Bankruptcy.

L. J. C. C. R. Law Journal, New Series, Crown Cases Reserved.

L. J. C. P. Law Journal, New Series, Common Pleas.

L. J. Ch. Law Journal, New Series, Chancery.

L. J. C. P. D. Law Journal, New Series, Common Pleas Decisions.

L. J. D. & M. Law Journal, New Series, Divorce and Matrimonial.

L. J. Ecc. Law Journal, New Series, Ecclesiastical Cases.

L. J. Exch. Law Journal, New Series, Exchequer.

L. J. Ex. D. Law Journal, New Series, Exchequer Division.

L. J. H. L. Law Journal, New Series, House of Lords.

L. JJ. Lord Justices.

L. J. M. C. Law Journal, New Series, Magistrates' Cases.

L. J. M. & W. Morgan & Williams' Law Journal, London.

L. J. Mat. Cas. Law Journal, New Series, Divorce and Matrimonial.

L. J. N. C. Law Journal, Notes of Cases.

L. J. N. S. The Law Journal, New Series, London.

L. J. O. S. The Law Journal, Old Series, London.

L. J. P. (or **P. C.**) Law Journal, New Series, Privy Council.

L. J. P. D. & A. Law Journal, New Series, Probate, Divorce and Admiralty.

L. J. Prob. Law Journal, New Series, Probate.

L. J. Q. B. Law Journal, New Series, Queen's Bench.

L. J. Q. B. D. Law Journal, New Series, Queen's Bench Division.

L. J. Rep. Law Journal Reports.

L. J. Rep. N. S. Law Journal Reports, New Series.

L. J. Sm. Smith's Law Journal, London.

L. L. Laws; Law Latin, Local Laws; Law Library (Philadelphia); Law List.

LL. B. Bachelor of Laws.

LL. D. Doctor of Laws.

L. L. N. S. Law Library, New Series, Philadelphia.

L. M. (or **Mag.**) Law Magazine, London.

L. M. (or **Mag.**) **& L. R.** Law Magazine and Law Review, London.

L. M. & P. Lowndes, Maxwell & Pollock's English Bail Court Reports.

L. Mag. & Rev. Law Magazine and Review, London.

L. N. Liber Niger, or the Black Book.

L. N. Y. Laws of New York.

L. O. Law Orders; Legal Observer, London.

L. P. B. Paper Book of Laurence, J., in Lincoln's Inn Library.

L. P. C. Lords of the Privy Council; Lower Provinces Code, India.

Digitized by Google

L. P. R. Lilly's Practical Register.

Law Q. R. The Law Quarterly Review, London.

L. R. Law Reports; Law Reporter (Law Times Reports, N. S.); Law Review; (Irish) Law Recorder; Louisiana Reports.

L. R. A. (or **Lawry, R. An.**) The Lawyer's Reports Annotated.

L. R. A. & E. English Law Reports, Admiralty and Ecclesiastical.

L. R. App. English Law Reports, Appeal Cases, House of Lords.

L. R. Burm. Law Reports, British Burmah.

L. R. C. C. English Law Reports, Crown Cases Reserved.

L. R. C. P. English Law Reports, Common Pleas.

L. R. C. P. D. English Law Reports, Common Pleas Division.

L. R. Ch. English Law Reports, Chancery, Appeal Cases.

L. R. Ch. D. English Law Reports, Chancery Division.

L. R. Eq. English Law Reports, Equity.

L. R. Ex. English Law Reports, Exchequer.

L. R. Ex. Div. English Law Reports, Exchequer Division.

L. R. H. L. English Law Reports, English and Irish Appeal Cases.

L. R. H. L. Sc. English Law Reports, Scotch and Divorce Appeal Cases.

L. R. Ind. App. English Law Reports, Indian Appeals.

L. R. Ir. Law Reports, Ireland.

L. R. Misc. Law Reports (of England) Miscellaneous Division.

L. R. N. S. Irish Law Recorder, New Series.

L. R. N. S. W. Law Reports, New South Wales.

L. R. P. C. English Law Reports, Privy Council, Appeal Cases.

L. R. P. Div. English Law Reports, Probate, Divorce and Admiralty Division.

L. R. P. & D. English Law Reports, Probate and Divorce.

L. R. Q. B. English Law Reports, Queen's Bench.

L. R. Q. B. Div. English Law Reports, Queen's Bench Division.

L. R. S. A. Law Reports, South Australia.

L. R. Sc. & D. English Law Reports, Scotch and Divorce Cases, before the house of Lords.

L. R. Sess. Cas. English Law Reports, Sessions Cases.

L. R. Stat. English Law Reports, Statutes.

L. Repos. Law Repository.

L. Rev. Law Review.

L. S. Locus Sigilli (Place for a Seal).

L. Sal. Salic Law.

L. T. Law Times Journal, London; Law Times, Scranton, Pa.

L. T. B. Law Times Bankruptcy Reports (American).

L. T. N. S. (or **L. T. R. N. S.**) Law Times (New Series) Reports, London, 1843.

Digitized by Google

L. T. R. The Law Times Reports in all the Courts.

L. U. S. Laws of the United States.

L. V. Laws of Virginia.

L. & B. Ins. Dig. Littleton & Blatchley's Insurance Digest.

L. & B. Prec. Leake & Bullen's Precedents of Pleading.

L. & C. Leigh & Cave's English Crown Cases Reserved.

L. & C. C. C. Leigh & Cave's Crown Cases.

L. & D. Conv. Leigh & Dalzell on Conversion of Property.

L. & E. English Law and Equity Reports (American reprint).

L. & E. Rep. Law and Equity Reporter, New York.

L. & G. t. Plunk. Lloyd & Goold's Irish Chancery Reports temp. Plunkett.

L. & G. t. Sug. Lloyd & Goold's Irish Chancery Reports temp. Sugden.

L. & J. Tr. Mar. Ludlow & Jenkyns on the Law of Trade-Marks.

L. & Le M. Leigh & Le Marchant's Law of Elections.

L. & M. Lowndes & Maxwell's English Practice Cases.

L. & T. Longfield & Townsend's Irish Exchequer Reports.

L. & W. Lloyd & Welsby's English Mercantile Cases.

La. Louisiana; Louisiana Reports; Lane's English Exchequer Reports.

La. An. Louisiana Annual Reports.

La. L. J. Louisiana Law Journal, New Orleans; Louisiana Law Journal (Schmidt's), New Orleans, 1842.

La. T. R. Louisiana Term Reports (3-12 Martin's Louisiana).

Lab. Labatt's California District Court Reports; Labuan.

Lac. R. R. Dig. Lacey's Digest of Railroad Decisions.

Lack. Leg. R. Lackawanna Legal Record.

Lal. R. P. Lalor's Law of Real Property.

Lalor. Lalor's Supplement to Hill & Denio's New York Reports.

Lamb. Arch. Lambard's Archeion.

Lamb. Dow. Lambert's Law of Dower.

Lanc. Bar. The Lancaster Bar (periodical).

Land. Est. C. Landed Estates Courts.

Lane. Lane's English Exchequer Reports.

Lang. Ca. (or L. C.) Cont. Langdell's Cases on the Law of Contracts.

Lang. Ca. (or L. C.) Sales. Langdell's Cases on the Law of Sales.

Lang. Cont. Langdell's Cases on Contracts; Langdell's Summary of the Law of Contracts.

Lang. Eq. Pl. Langdell's Summary of Equity Pleading; Langdell's Cases in Equity Pleading.

Digitized by Google

Lang. Sales. Langdell's Cases on the Law of Sales.

Lang. Sum. Cont. Langdell's Summary of the Law of Contracts.

Lang. Tr. Langley's Trustees' Act.

Lans. Lansing's New York Supreme Court Reports.

Lans. Ch. Lansing's Chancery Decisions, New York.

Lap. Dec. Laperriere's Speaker's Decisions, Canada.

Lasc. H. War. Lascelles on Horse Warranty.

Lasc. Juv. Off. Lascelles on Juvenile Offenders.

Lat. Latitat; Latch.

Lat. Jus. Latrobe's Justice.

Latch. Latch's English King's Bench Reports.

Lath. Wind. L. Latham on the Law of Window Lights.

Lathrop. Lathrop's Reports (115-131 Massachusetts).

Latt. Pr. C. Pr. Lattey's Privy Council Practice.

Laur. Prim. Laurence on Primogeniture.

Laus. Eq. Laussat's Equity Practice in Pennsylvania.

Law. The Law, London (periodical).

Law Alm. Law Almanac, New York.

Law Am. Jour. Law Amendment Journal.

Law Bul. Law Bulletin, San Francisco.

Law Cas. Wm. I. Law Cases, William I. to Richard I.

Law. Ch. P. Lawes on Charter Parties.

Law Chr. Law Chronicle, London (or Edinburg).

Law Chr. & Jour. Jur. Law Chronicle and Journal of Jurisprudence.

Law Ch. Bdg. Soc. Law on Church Building Societies.

Law Ch. Ward. Law on Church Wardens.

Law Con. Lawson on Contracts.

Law Dig. Law Digest, London (periodical).

Law Ecc. Law. Law on Ecclesiastical Law.

Law Ex. J. Law Examination Journal, London.

Law Forms. Law's Forms of Ecclesiastical Law.

Law Fr. Dict. Law French and Latin Dictionary.

Law. Int. Law Intelligencer.

Law Jour. Law Journal, see abbreviations under L. J.

Law Jour. (M. & W.) Morgan & Williams' Law Journal, London.

Law Jour. (Smith's). J. P. Smith's Law Journal, London.

Law Jur. Law's Jurisdiction of the Federal Courts.

Law Lib. Law Library, Philadelphia.

Law Lib. (N. S.) Law Library, New Series, Philadelphia.

Law Mag. Law Magazine, London.

Law Mag. & Rev. Law Magazine and Review.

Law N. Law News, St. Louis.

Digitized by Google

Law Pat. Law's United States Patent Laws.

Law Pat. Dig. Law's Digest of United States Patent Cases.

Law Pl. Lawes on Pleading in Assumpsit.

Law Pr. Law's Practice in United States Courts.

Law Rec. Law Recorder, Dublin.

Law Reg. American Law Register, Philadelphia.

Law Rep. Law Reports, see L. R.; Law Reporter, Boston [or London; or Toronto; or Montreal].

Law Rep. N. S. Monthly Law Reporter, Boston.

Law Repos. Carolina Law Repository, North Carolina.

Law Rev. Law Review, London; American Law Review, Boston.

Law Rev. Qu. Law Review Quarterly, Albany, N. Y.

Law Rev. & Qu. J. Law Review and Quarterly Journal, London.

Law Stu. Mag. Law Students' Magazine, London.

Law T. Law Times, London; Law Times, Scranton, Pa.

Law T. Rep. N. S. Law Times Reports, New Series.

Law Tr. Law Tracts.

Law U. S. Cts. Law's Practice in United States Courts.

Law. V. & S. Lawrence's Visitation and Search.

Law W. Law Weekly, New York.

Law. Wheat. Lawrence's Edition of Wheaton on International Law.

Law & Eq. Rep. Law and Equity Reporter, New York.

Law. & Mag. Mag. Lawyers' and Magistrate's Magazine, London.

Lawes Ch. Lawes on Charter-Parties.

Lawes Pl. Lawes on Pleadings.

Lawr. Wh. Lawrence's edition of Wheaton's International Law.

Lawrence. Lawrence's Reports (20 Ohio).

Laws. Cont. Lawson on Contracts.

Laws Wom. Laws of Women.

Lawy. Mag. Lawyers' Magazine.

Ld. Br. Sp. Lord Brougham's Speeches.

Ld. Ken. Lord Kenyon's English King's Bench Reports.

Ld. Raym. Lord Raymond's English King's Bench Reports.

Lea. Lea's Tennessee Reports; Leach.

Leach. Leach's English Crown Cases.

Leach Cl. Cas. Leach's Club Cases, London.

Lead. Cas. Am. American Leading Cases, by Hare & Wallace.

Lead. Cas. Eq. Leading Cases in Equity, by White & Tudor.

Leake, Cont. Leake on the Law of Contracts.

Leake Land. Leake's Digest of the Law of Property in Land.

Leap. Rom. Civ. L. Leapingwell on the Roman Civil Law.

Lect. Lecture.

Lee. Lee's English Ecclesiastical Reports; Lee's Reports (9-12 California).

Digitized by Google

Lee Abs. Lee's Abstract of Titles.

Lee Bank. Lee's Law and Practice of Bankruptcy.

Lee Cap. Lee on Captures.

Lee Dict. (or **Lee Pr.**) Lee's Dictionary of Practice.

Lee G. Sir George Lee's English Ecclesiastical Reports.

Lee Ship. Lee's Laws of Shipping.

Lee t. Hard. Lee's Cases temp. Hardwicke, K. B. and Ch.

Lef. Cr. L. Lefroy's Irish Criminal Law.

Lef. Dec. Lefevre's Parliamentary Decisions, reported by Bourke.

Lefroy. English Railroad and Canal Cases.

Leg. Leges; Legibus.

Leg. Adv. Legal Adviser, Chicago, Ill.

Leg. Bibl. Legal Bibliography, by J. G. Marvin.

Leg. Ch. Forms. Leggo's Chancery Forms (Ontario).

Leg. Ch. Pr. Leggo's Chancery Practice (Ontario).

Leg. Chron. Legal Chronicle, Pottsville, Pa.; The Legal Chronicle Reports.

Leg. Chron. Rep. Legal Chronicle Reports, Pennsylvania.

Leg. Exam. Legal Examiner, London (or New York).

Leg. Exam. N. S. Legal Examiner, New Series, London.

Leg. Exam. W. R. Legal Examiner, Weekly Reporter, London.

Leg. Exam. & L. C. Legal Examiner and Law Chronicle, London.

Leg. Exam. & Med. J. Legal Examiner and Medical Jurist, London.

Leg. Exch. Legal Exchange, Des Moines, Iowa.

Leg. Fluv. Leges Fluviorum.

Leg. G. Legal Guide, London.

Leg. Gaz. Legal Gazette, Philadelphia; The Legal Gazette Reports.

Leg. Gaz. Rep. Legal Gazette Reports.

Leg. Inq. Legal Inquirer, London.

Leg. Int. Legal Intelligencer, Philadelphia.

Leg. News. Legal News, Chicago; Legal News, Montreal.

Leg. Obs. Legal Observer.

Leg. Oler. Laws of Oleron.

Leg. Op. Legal Opinions, Harrisburg, Pa.

Leg. Out. Legge on Outlawry.

Leg. Port. Leges Portuum.

Leg. Rec. The Legal Record Reports.

Leg. Rem. Legal Remembrancer, Calcutta.

Leg. Rep. Legal Reporter, Dublin; Legal Reporter, Nashville, Tenn.

Leg. Rev. Legal Review, London.

Leg. Rhod. Laws of Rhodes.

Leg. T. Cas. Legal Tender Cases.

Leg. Ult. The Last Law.

Leg. Wisb. Laws of Wisbury.

Leg. Y. B. Legal Year Book, London.

Digitized by Google

Leg. & Ins. Rept. Legal and Insurance Reporter, Philadelphia.

Legg. Leggett's Reports, Sind, India.

Legg. Bills L. Leggett on Bills of Lading.

Legg. Out. Legge on Outlawry.

Leigh. Leigh's Virginia Reports.

Leigh Abr. Leigh's Abridgment of the Law of Nisi Prius.

Leigh G. A. Leigh's Game Act.

Leigh N. P. Leigh's Abridgment of the Law of Nisi Prius.

Leigh & C. Leigh & Cave's English Crown Cases.

Leigh & D. Conv. Leigh & Dalzell on Conversion.

Leigh & L. M. Elec. Leigh & Le Marchant on Elections.

Leith Black. Leith's Blackstone, Ontario.

Leith R. Pr. Leith's Real Property Statutes, Ontario.

Lely Railw. Lely on the Regulation of Railways Acts.

Lely & F. Jud. Acts. Lely & Foulkes on the Judicature Acts.

Leo. (or **Leon.**) Leonard's English King's Bench Reports.

Leon. La. Dig. Leonard's Louisiana Digest of United States Cases.

Leon. Prec. Leonard's Precedents in County Courts.

Lest. L. L. Lester's Decisions in Public Land Cases.

Lester. Lester's Reports (31-33 Georgia).

Lester Supp. (or **Lest. & But.**) Lester & Butler's Supplement to Lester's Georgia Reports.

Lev. Levinz's English King's Bench Reports.

Lev. Ent. Levinz's Entries.

Lev. J. P. Levinge's Irish Justice of the Peace.

Levi Com. L. Levi's Commercial Law.

Levi Merc. L. Levi's Mercantile Law.

Lew. Lewin's English Crown Cases Reserved.

Lew. App. Lewin on Apportionment.

Lew. B. & S. Lewis on Bonds and Securities.

Lew. C. C. Lewin's English Crown Cases.

Lew. Conv. Lewis' Principles of Conveyancing.

Lew. Dig. Cr. L. Lewis' Digest of United States Criminal Law.

Lew. Elec. Lewis' Election Manual.

Lew. Eq. Dr. Lewis on Equity Drafting.

Lew. Ind. Pen. Lewis' East India Penal Code.

Lew. L. Cas. Lewis' Leading Cases on Public Land Laws.

Lew. L. T. Lewis on Land Titles in Philadelphia.

Lew. Perp. Lewis on Law of Perpetuity.

Lew. St. Lewis on Stocks, Bonds, &c.

Lew. Tr. Lewin's Law of Trusts and Trustees.

Digitized by Google

Lew. U. S. Cr. L. Lewis' Digest of United States Criminal Law.

Lewis. Lewis' Reports (1 Nevada).

Lex. Mer. Am. Lex Mercatoria Americana.

Lex Merc. Red. Lex Mercatoria Rediviva, by Beawes.

Ley. Ley's English King's Bench Reports.

Ley Wards. Ley on Wards and Liveries (usually appended to Ley's Reports).

Lib. Liber (book); Library.

Lib. Ass. Liber Assisarum (Year Books, Part V.)

Lib. Ent. Old Books of Entries.

Lib. Feud. Liber Feudorum, at the end of the Corpus Juris Civilis.

Lib. Intr. Liber Intrationum, Old Book of Entries.

Lib. L. & Eq. Library of Law and Equity.

Lib. Nig. Liber Niger, the Black Book.

Lib. Pl. Liber Placitandi, Book of Pleading.

Lib. Reg. Register Books.

Lib. Rub. Liber Rubens, the Red Book.

Lieb. Civ. Lib. Lieber on Civil Liberty.

Lieb. Herm. Lieber's Hermeneutics.

Life & Acc. Ins. R. Bigelow's Life and Accident Insurance Reports.

Lig. Dig. Ligon's Digest (Alabama).

Lil. Lilly's English Assize Reports.

Lil. Abr. Lilly's Abridgment, or Practical Register.

Lil. Conv. Lilly's Conveyancer.

Lil. Ent. Lilly's Entries.

Lil. Reg. Lilly's Practical Register.

Lind. Jur. Lindley's Study of Jurisprudence.

Lind. Part. Lindley's Laws of Partnership.

Lind. Pr. Lindewoode's Provinciales.

Lind. Prob. Lindsay on Probates.

Linn. Ind. Linn's Index of Pennsylvania Reports.

Lipp. Cr. L. Lippitt's Massachusetts Criminal Law.

Lit. (or **Litt.**) Littell's Kentucky Reports; Littleton's English Common Pleas Reports; Littleton's Tentures.

Lit (or **Litt.**) **Sel. Ca.** Littell's Select Kentucky Cases.

Lit. (or **Litt.**) **Ten.** Littleton's Tenures.

Lit. & Bl. Dig. Littleton's & Blatchley's Insurance Digest.

Littell. Littell's Kentucky Reports.

Liv. Livingston's Mayor's Court Reports, New York.

Liv. Ag. Livermore on Principal and Agent.

Liv. Dis. Livermore's Dissertation on the Contrariety of Laws.

Liv. Jud. Op. (or **Cas.**) Livingston's Judicial Opinions, New York.

Liv. L. Mag. Livingston's Law Magazine, New York.

Digitized by Google

Liv. L. Reg. Livingston's Law Register, New York.

Liv. La. Cr. Code. Livingston's Louisiana Criminal Code.

Liv. U. S. Pen. Co. Livingston's System of United States Penal Laws.

Ll. Leges (Laws); Lloyd.

Ll. C. C. Pr. Lloyd's County Courts Practice.

Ll. Comp. Lloyd on the Law of Compensation for Land.

Ll. Jud. Act. Lloyd's Judicature Act.

Ll. Pr. Lloyd on Prohibition.

Ll. St. Lloyd's Statutes of Practical Utility.

Ll. Suc. Lloyd on Succession.

Ll. Tr. M. Lloyd on Trade-Marks.

Ll. & G. t. P. Lloyd & Goold's Irish Chancery Reports temp. Plunkett.

Ll. & G. t. S. Lloyd & Goold's Irish Chancery Reports temp. Sugden.

Ll. & W. Lloyd & Welsby's Mercantile Cases.

Loc. Cit. Loco citato (in the place cited).

Loc. Cit. Gaz. Local Courts and Municipal Gazette, Toronto.

Locc. Loccenius, De Jure Maritimo et Navali.

Lock. Rev. Ca. Lockwood's New York Reversed Cases.

Lock. For. At. Locke on Foreign Attachment.

Lock. G. L. Locke on the Game Laws.

Lofft. Lofft's English King's Bench Reports.

Lofft Lib. Lofft on the Law of Libels.

Lofft Un. L. Lofft's Elements of Universal Law.

Lofft Max. Maxims, appended to Lofft's Reports.

Log. Comp. Logan's Compendium of Ancient Law.

Lois Batim. Lois des Batimens.

Lom. C. H. Rep. Lomas' City Hall Reporter, New York.

Lom. Dig. Lomax's Digest of Real Property.

Lom. Ex. Lomax on the Law of Executors.

Lond. Jur. London Jurist.

Lond. L. Mag. London Law Magazine.

Long Q. Long Quinto (Year Books, Part X.)

Long S. Long on Sales of Personal Property.

Longf. Dist. Longfield on Distress and Replevin.

Longf. Ej. Longfield on Ejectment.

Longf. & T. Longfield & Townsend's Irish Exchequer Reports.

Lons. Cr. L. Lonsdale's Statute Criminal Law.

Lor. Inst. Lorimer's Institutes of Law.

Lor. Sc. L. Lorimer's Handbook of Scotch Law.

Lords Jour. Journal of the House of Lords.

Lou. (or Louis.) Louisiana, see La.

Lov. W. Lovelass on Wills.

Digitized by Google

Love. Arb. Lovesy on the Law of Arbitration.

Love. Bank. Lovesy on Bankruptcy.

Low. Lowell's United States District Court Reports.

Low. Can. Jur. Lower Canada Jurist, Montreal.

Low. Can. L. J. Lower Canada Law Journal.

Low. Can. R. Lower Canada Reports.

Low. Pr. Code. Lower Provinces Code, India.

Lownd. Av. Lowndes on the Law of General Average.

Lownd. Col. Lowndes on Collisions at Sea.

Lownd. Cop. Lowndes on Copyright.

Lownd. Ins. Lowndes on Insurance.

Lownd. Leg. Lowndes on Legacies.

Lownd. M. & P. Lowndes, Maxwell & Pollock's English Bail Court Reports.

Lownd. & M. Lowndes & Maxwell's English Bail Court Reports.

Lube Eq. (or **Pl.**) Lube on Equity Pleading.

Luc. (or **Lucas**). Lucas' Reports (Modern Reports, Part X).

Lud. El. Cas. Luder's English Election Cases.

Lud. & J. Tr. M. Ludlow & Jenkyns on Trade-Marks.

Ludden. Ludden's Reports (43, 44 Maine).

Lum. Ann. Lumley on the Law of Annuities.

Lum. Bast. Lumley on Bastardy.

Lum. B. L. Lumley on By-Laws.

Lum. P. L. Cas. Lumley's Poor Law Cases.

Lum. Parl. Pr. Lumley's Parliamentary Practice.

Lum. Pub. H. Lumley on the Public Health Acts.

Lum. Sett. Lumley on the Law of Settlements.

Lund Pat. Lund on Patents.

Lush. Lushington's English Admiralty Reports.

Lush. Pr. L. Lushington on Prize Law.

Lush Pr. Lush's Practice at Westminster.

Lut. (or **Lutw.**) Lutwyche's English Common Pleas Reports.

Lut. Ent. Lutwyche's Entries.

Lut. R. C. Lutwyche's English Registration Appeal Cases.

Luz. Leg. Obs. Luzerne Legal Observer, Carbondale, Pa.

Luz. Leg. Reg. Luzerne Legal Register, Wilkesbarre, Pa.

Lynd. Prov. Lyndwoode's Provinciales.

Lyne (Wal.) Lyne's Irish Chancery Cases, from Wallis' Notes.

Lyne Lea. Lyne on Leases for Lives.

Lyne on Renew. Lyne on Renewals.

Lyon Ind. L. Lyon on the Law of India.

Digitized by Google

Lyon Just. Lyon's Institutes of Justinian.

Lyon & R. B. S. Lyon & Redman on Bills of Sale.

M.

M. Queen Mary; Michaelmas Term; Maritime; Mortgage; Modified; Miles' Pennsylvania Reports; Massachusetts; Maryland; Maine; Michigan; Minnesota; Mississippi; Missouri; Montana; Morison's Dictionary of Decisions, Scotch Court of Session; Session Cases, 3d Series, Scotland (Macpherson, &c.).

M'. See Mac and Mc.

M. C. Magistrate Cases; Mayor's Court.

M. C. C. Moody's English Crown Cases, Reserved.

M. D. & D. (or De G.) Montagu, Deacon & De Gex's English Bankruptcy Reports.

M. G. & S. Manning, Granger & Scott's English Common Pleas Reports.

M. L. Maritime Law; Mercian Law.

M. L. J. Memphis Law Journal, Tennessee.

M. L. R. Maryland Law Record, Baltimore.

M. M. R. Mitchell's Maritime Register, London.

M. P. C. Moore's English Privy Council Cases.

M. P. Ex. Modern Practice of the Exchequer.

M. Q. D. Milner, Questions de Droit.

M. R. Master of the Rolls.

M. St. More's Notes on Stair's Institutes.

M. T. Michaelmas Term.

M. V. & P. Morton on Vendors and Purchasers.

M. & A. Montagu & Ayrton's English Bankruptcy Reports.

M. & A. B. L. Montagu & Ayrton on the Bankrupt Law.

M. & B. Montagu & Bligh's English Bankruptcy Reports.

M. & C. Mylne & Craig's English Chancery Reports; Montagu & Chitty's English Bankruptcy Reports.

M. & C. Bills. Miller & Collier on Bills of Sale.

M. & G. Manning & Granger's English Common Pleas Reports; Maddock & Geldart's English Chancery Reports.

M. & Gel. Maddock & Geldart's English Chancery Reports (6 Maddox).

M. & Gord. Macnaghten & Gordon's English Chancery Reports.

M. & K. Mylne & Keen's English Chancery Reports.

M. & M. Moody & Malkin's English Nisi Prius Reports.

M. & M'A. Montagu & M'Arthur's English Bankruptcy Reports.

M. & P. Moore & Payne's English Common Pleas Reports.

M. & P. Sh. Maude & Pollock's Law of Merchant Shipping.

Digitized by Google

M. & R. Manning & Ryland's English King's Bench Reports; Moody & Robinson's English Nisi Prius Reports; Maclean & Robinson's Scotch Appeal Cases.

M. & R. M. C. Manning & Ryland's English Magistrate Cases.

M. & S. Maule & Selwyn's English King's Bench Reports; Moore & Scott's English Common Pleas Reports.

M. & W. Meeson & Welsby's English Exchequer Reports.

M. & W. Abr. Marshall & Wood's Abridgment.

M. & W. Law Dic. Mozley & Whitby's Law Dictionary.

M. & Y. Martin & Yerger's Tennessee Reports.

Ma. March's Action for Slander and Arbitrament.

Mac. See Mc.

Mac. & G. Macnaghten & Gordon's Chancery Reports.

Mac. C. M. Macomb on Courts-Martial.

Mac. P. C. Macrory's Patent Cases.

Mac. & Rob. Maclean & Robinson's Appeal Cases.

Macal. McAllister United States Circuit Court Reports.

Macalp. Mon. L. Macalpin on Money Lenders.

MacA. & M. MacArthur & Mackey's District of Columbia Reports.

MacArth. Ct. Mar. MacArthur on Courts-Martial.

Macask. Ex. Macaskie on Executors, &c.

Macc. Cas. Maccala's Breach of Promise Cases.

Maccl. Macclesfield's Reports (Modern Reports, Part X.).

Maccl. Tr. Macclesfield's Trial (Impeachment), London, 1725.

Macd. Cr. L. Macdonald's Scotch Criminal Law.

Macd. Jam. Macdougall's Jamaica Reports.

Macf. Macfarlane's Reports, Jury Courts, Scotland.

Macf. Cop. Macfie on Copyright.

Macf. Min. Macfarland's Digest of Mining Cases.

Macf. Pr. Macfarlane's Practice of the Court of Sessions.

Mack. Mackenzie's Institution of the Law of Scotland, Mackey's District of Columbia Reports.

Mack. B. L. Mackenzie on Bills of Lading.

Mack. C. L. Mackeldey on Civil Law.

Mack. Cr. L. Sir G. Mackenzie's Criminal Law of Scotland.

Mack. Ct. Sess. Mackay's Court of Session Practice.

Mack. Inst. Mackenzie's Institutes of the Law of Scotland.

Mack. Law of Prop. Mackay's Law of Property.

Mack. Nat. Mackintosh on the Law of Nations.

Mack. Obs. Sir G. Mackenzie's Observations on Acts of Parliament.

Mack. Rom. Law. Mackenzie's Studies in Roman Law.

Digitized by Google

Mack. & F. Jud. A. Mackeson & Forbes' Judicature Acts.

Macl. McLean's United States Circuit Court Reports; Maclaurin's Scotch Criminal Decisions.

Macl. Bank. Macleod's Theory and Practice of Banking.

Macl. Sh. Maclachlan on Merchant Shipping.

Macl. Wills. Maclaren on Wills and Successions.

Macl. & R. Maclean & Robinson's Scotch Appeal Cases.

Macn. Macnaghten's Select Cases in Chancery temp. King; W. H. Macnaghten's Reports, India.

Macn. C. M. Macnaghten on Courts-Martial.

Macn. Cr. Ev. Macnaghten's Criminal Evidence.

Macn. El. Hind. L. Macnaghten's Elements of Hindu, &c., Law.

Macn. Ev. Macnally's Rules of Evidence on Pleas of the Crown.

Macn. (Fr.) Sir Francis Macnaghten's Bengal Reports.

Macn. N. A. Beng. Macnaghten's Nizamut Adawlut Reports, Bengal.

Macn. Nul. Macnamara on Nullities and Irregularities in the Practice of the Law.

Macn. S. D. A. Beng. (W. H.) Macnaghten's Sudder Dewanny Adawlut Reports, Bengal.

Macn. Sel. Cas. Select Cases in Chancery tempore King, edited by Macnaghten.

Macn. & G. Macnaghten & Gordon's English Chancery Reports.

Macomb C. M. Macomb on Courts-Martial.

Macph. Macpherson, Lee & Bell's (Third Series) Scotch Court of Session Cases.

Macph. Inf. Macpherson on Infancy.

Macph. Pr. C. Macpherson's Privy Council Practice.

Macq. Macqueen's Scotch Appeal Cases.

Macq. D. Macqueen's Debates on Life-Peerage Question.

Macq. Div. Macqueen on Divorce.

Macq. H. L. Cas. Macqueen's Scotch Appeal Cases (House of Lords).

Macq. H. & W. Macqueen on Law of Husband and Wife.

Macq. Mar. Macqueen on Law of Marriage and Divorce.

Macr. P. Cas. Macrory's Patent Cases.

Macr. & H. Macrae & Hertslet's Insolvency Cases.

Mad. Maddock's English Chancery Reports; Madras.

Mad. Bar. Madox, Baronia Anglia.

Mad. Ch. Pr. Maddock's Chancery Practice.

Mad. Exch. Madox's History of the Exchequer.

Mad. Fir. Burg. Madox's Firma Burgi.

Mad. Form. Madox's Formulare Anglicarum.

Mad. H. C. Madras High Court Reports.

Mad. Jur. Madras Jurist, India.

Digitized by Google

Mad. Papers. James Madison's Papers, 3 vols.

Mad. Reg. Madden on Registration of Deeds.

Mad. S. D. A. R. Madras Sudder Dewanny Adawlut Reports.

Mad. Sel. Dec. Madras Select Decrees.

Mad. Ser. Madras Series (East) Indian Law Reports.

Mad. & Gel. Maddock & Geldart's English Chancery Reports (6 Maddock).

Madd. Maddock's Reports, English Chancery.

Made p. Made perpetual.

Madr. Madras, see Mad.

Mag. The Magistrate, London.

Mag. Cas. Magistrates' Cases (especially the series edited by Bittleston, Wise & Parnell).

Mag. Char. Magna Charta.

Mag. Ins. Magen on Insurance.

Mag. Rot. Magnus Rotulus (the great Roll of the Exchequer).

Magruder. Magruder's Reports (1, 2 Maryland).

Mai. Anc. L. Maine's Ancient Law.

Mai. Inst. Maine's History of Institutions.

Mai. Vil. Com. Maine's Village Communities.

Maitland. Maitland's Manuscript Scotch Session Cases.

Mal. Law M. Malyne's Ancient Law Merchant.

Mal. Lex Merc. Malyne's Lex Mercatoria.

Mall. Ent. Mallory's Modern Entries.

Malone. Editor Heiskell's Tennessee Reports.

Malt. C. M. Maltby on Courts-Martial.

Man. Manning's Reports (English Court of Revision); Manitoba; Manning's Reports (1 Michigan); Manuscript; see also Mann.

Man. Cas. Manumission Cases in New Jersey, by Bloomfield.

Man. Dem. Mansel on Demurrer.

Man. El. Cas. Manning's English Election Cases (Court of Revision).

Man. L. R. The Manitoba Law Reports.

Man. Lim. Mansel on Limitations.

Man. Gr. & S. Manning, Granger & Scott, English Common Pleas Reports.

Man. & G. Manning & Granger's English Common Pleas Reports.

Man. & Ry. Manning & Ryland's English King's Bench Reports.

Man. & Ry. Mag. Cas. Manning & Ryland's English Magistrates' Cases.

Manb. Coke. Manby's Abridgment of Coke's Reports.

Manb. Fines. Manby on Fines.

Mann. Manning's English Court of Revision Reports; see also Man.

Mann. Bills. Manning on Bills and Notes.

Mann. Com. Manning's Commentaries on the Law of Nations.

Digitized by Google

Mann. Ex. Pr. Manning's Exchequer Practice.

Mann. Nat. Manning's Law of Nations.

Manning. Manning's Reports (1 Michigan).

Mans. Manson's (English) Bankruptcy Reports.

Mans. on C. Mansel on Costs.

Mans. Dem. Mansel on Demurrer.

Mans. Lim. Mansel on Limitations.

Manum. Cases. Manumission Cases, New Jersey (Bloomfield's).

Manw. Manwood's Forest Laws.

Mar. Maritime; March's English King's Bench Reports; Marshall's United States Circuit Court Reports; Marshall's Kentucky Reports; Martin's Louisiana Reports; Martin's North Carolina Reports; Marshall's Reports, Bengal.

Mar. Av. Marvin on General Average.

Mar. Bills. Marius on Bills of Exchange.

Mar. Br. March's Translation of Brooke's New Cases.

Mar. Conv. Marcy's Epitome of Conveyancing.

Mar. Conv. St. Marcy's Conveyancing Statutes.

Mar. L. C. English Maritime Law Cases (Crockford).

Mar. L. C. N. S. English Maritime Law Cases, New Series (Aspinall).

Mar. La. Martin's Louisiana Reports.

Mar. Leg. Bib. Marvin's Legal Bibliography.

Mar. N. C. Martin's North Carolina Reports.

Mar. N. S. Martin's Louisiana Reports, New Series.

Mar. N. & Q. Maritime Notes and Queries, London.

Mar. R. English Maritime Law Reports.

Mar. Rec. B. Martin's Recital Book.

Mar. Reg. Mitchell's Maritime Register, London.

Mar. Wr. & S. Marvin on Wreck and Salvage.

March N. C. March's New Cases, English King's Bench.

Marine Ct. R. Marine Court Reporter (McAdam's), New York.

Mark. El. Markby's Elements of Law.

Marr. Marriott's English Admiralty Decisions; Marrack's European Assurance Cases.

Marr. Form. Marriott's (Admiralty) Formulare.

Mars. Coll. Marsden on Maritime Collisions.

Marsh. Marshall's United States Circuit Court Decisions; Marshall's English Common Pleas Reports; Marshall's Bengal Reports.

Marsh. (A. K.) A. K. Marshall's Kentucky Reports.

Marsh. Beng. (or **Calc.**) Marshall's Reports, Bengal.

Digitized by Google

Marsh. Car. (or **Ry.**) Marshall on Railways as Carriers.

Marsh. Costs. Marshall on the Law of Costs.

Marsh. Dec. Marshall's United States Circuit Court Decisions (or Marshall on the Federal Constitution).

Marsh. (J. J.) J. J. Marshall's Kentucky Reports.

Marsh. Ins. Marshall on Marine Insurance.

Marsh. Op. Marshall's Constitutional Opinions.

Marsh. Ry. Marshall's Duties and Obligations of Railway Companies.

Mart. Martin, see Martin.

Mart. Cond. La. Martin's Condensed Louisiana Reports.

Mart. Conv. Martin's Practice of Conveyancing.

Mart. Dec. United States Decisions in Martin's North Carolina Reports.

Mart. Ex. Martin on Executors.

Mart. Law Nat. Marten's Law of Nations.

Mart. (N. C.) Martin's North Carolina Reports.

Mart. N. S. Martin's Louisiana Reports, New Series.

Mart. U. S. C. C. Martin's United States Circuit Court Reports.

Mart. & Yerg. Martin & Yerger's Tennessee Reports.

Martin. Martin's Louisiana Reports; Martin's North Carolina Reports; Martin's Reports (21-30 Georgia); Martin's Reports (54-62 Indiana).

Marv. Av. Marvin on General Average.

Marv. Leg. Bib. Marvin's Legal Bibliography.

Marv. Wr. & S. Marvin on Wreck and Salvage.

Mas. Mason's United States Circuit Court Reports.

Mas. N. E. Pr. Mason's New England Civil Practice.

Mass. Massachusetts; Massachusetts Reports.

Mass. L. R. Massachusetts Law Reporter, Boston.

Mast. El. Masterman on Parliamentary Elections.

Mat. Matthews, see Matth.

Mat. L. & T. Mathews on Landlord and Tenant.

Mat. Part. Mathews on the Law of Partnership.

Mat. Pres. Ev. Mathews on Presumptive Evidence.

Mat. Por. Mathews on the Law of Portions.

Matson. Matson's Reports (22-24 Connecticut).

Matth. Com. Matthews' Guide to Commissioners in Chancery.

Matth. Cr. L. Matthews' Digest of Criminal Law.

Matth. Exe. Matthews' Executor's Guide.

Matth. Part. Matthews on Partnership.

Matth. Pr. Ev. Matthews on Presumptive Evidence.

Matthews. Matthews' Reports (6 West Virginia).

Digitized by Google

Mau. & Pol. Sh. Maude & Pollock's Law of Shipping.

Mau. & Sel. Maule & Selwyn's English King's Bench Reports.

Maud. Ment. Res. Maudsley on Mental Responsibility.

Maug. Att. Maugham on the Attorney and Solicitor Act; Maugham's Law of Attorneys, Solicitors and Agents.

Maug. Cr. L. Maugham's Outlines of Criminal Law.

Maug. Jur. Maugham's Outlines of Jurisdiction.

Maug. Law. Maugham's Outlines of Law.

Maug. Lit. Pr. Maugham on Literary Property.

Maug. R. P. Maugham's Outlines of Real Property Law.

Maur. Dec. Mauritius Decisions.

Max. Maxim.

Max. Int. Stat. Maxwell on the Interpretation of Statutes.

Max. L. D. Maxwell's Law Dictionary.

Max. Mar. L. Maxwell's Marine Law.

May. Act. Mayhew's Action at Law.

May Const. Hist. May's Constitutional History of England.

May Crim. Law. May's Criminal Law.

May. Dam. Mayne on the Law of Damages.

May Fr. Conv. May on Fraudulent Conveyances.

May Ins. May on Insurance.

May. Just. Mayo's Justice.

May. Merg. Mayhew on Merger.

May P. L. May's Parliamentary Law.

Mayn. Maynard's Reports, Edward II. (Year Books, Part I).

Mayo Just. Mayo's Justice.

Mayo & Moul. Mayo & Moulton's Pension Laws.

Mc. See also Mac.

McA. L. & Ten. McAdam on Landlord and Tenant.

McA. Mar. Ct. McAdams' Marine Court Practice.

McAll. McAllister's United States Circuit Court Reports.

McAr. McArthur's District of Columbia Reports.

McBride. McBride's Reports (1 Missouri).

McC. Cl. Ass. McCall's Clerk's Assistant.

McC. F. McCall's Forms.

McC. Just. McCall's New York Justice.

McCah. McCahon's Kansas Reports.

McCall Pr. McCall's Precedents (Forms).

McCar. McCarter's New Jersey Equity Reports.

McCl. McClelland's English Exchequer Reports.

McCl. Dig. McClellan's Florida Digest.

McCl. Ex. McClellan's Manual for Executors.

McCl. Ia. Co. McClain's Iowa Code.

Digitized by Google

McCl. Mal. McClelland on Civil Malpractice.

McCl. Pr. McClellan's Probate Practice.

McCl. & Y. McClelland & Younge's English Exchequer Reports.

McCook. McCook's Reports (1 Ohio State).

McCord. McCord's South Carolina Law Reports.

McCord Eq. (or Ch.) McCord's South Carolina Equity Reports.

McCorkle. McCorkle's Reports (65 North Carolina).

McCr. McCrary's United States Circuit Court Reports.

McCr. Elect. McCrary's American Law of Elections.

McCul. Dict. McCulloch's Commercial Dictionary.

McDer. Land L. McDermott on Irish Land Laws.

McDon. Jus. McDonald's Justice.

McDow. Inst. McDowall's Institutes of the Law of Scotland.

McFar. McFarlane's Reports (Scotch Jury Court).

McGill. McGill's Manuscript Scotch Session Cases.

McGl. McGloin's Louisiana Reports.

McGl. Al. McGlashan on Aliment.

McGl. Sh. McGlashan's Sheriff Court Practice.

McIn. & E. Jud. Pr. McIntyre & Evans' Judicature Practice.

McKin. Jus. McKinney's Justice.

McKin. Phil. Ev. McKinnon's Philosophy of Evidence.

McL. McLean's United States Circuit Court Reports.

McL. & R. McLean & Robinson's Scotch Appeal Cases.

McLar. Tr. McLaren on Trusts in Scotland.

McLar. W. McLaren's Law of Wills, Scotland.

McMas. R. R. McMaster's New York Railroad Laws.

McMul. McMullan's South Carolina Law Reports.

McMul. Eq. McMullan's South Carolina Equity Reports.

McNagh. McNaghten, see Macn., above.

McNal. Ev. Macnally's Rules of Evidence.

McPherson. McPherson, Lee & Bell's (Third Series) Scotch Session Cases.

McQ. McQueen's Scotch Appeal (House of Lords) Cases.

McVey Dig. McVey's Ohio Digest.

Md. Maryland; Maryland Reports; Harris & McHenry's Maryland Reports.

Md. Ch. Maryland Chancery Reports.

Md. L. Rec. Maryland Law Record, Baltimore.

Md. L. Rep. Maryland Law Reporter, Baltimore.

Me. Maine; Maine Reports.

Means. Means' Kansas Reports.

Mears Just. Mears' edition of Justinian & Gaius.

Med. Jur. Medical Jurisprudence.

Med. Leg. Jour. The Medico-Legal Journal, New York.

Digitized by Google

Med. Leg. Pap. Medico-Legal Papers.

Meddaugh. Meddaugh's Reports (13 Michigan).

Mees. & Ros. Meeson & Roscoe's English Exchequer Reports.

Mees. & Wels. Meeson & Welsby's English Exchequer Reports.

Megg. Ass. Meggison on Assets in Equity.

Meigs. Meigs' Tennessee Reports.

Mell Parl. Pr. Mells' Parliamentary Practice.

Melv. Tr. Melville's Trial (Impeachment), London.

Mem. L. J. Memphis Law Journal, Tennessee.

Mence Lib. Mence on the Law of Libels.

Menz. Menzies' Reports, Cape of Good Hope.

Menz. Conv. Menzies' Conveyancing.

Mer. Merivale's English Chancery Reports.

Mer. & St. Corp. Merewether & Stephen's Municipal Corporations.

Merc. Cas. Mercantile Cases.

Merch. Dict. Merchants' Dictionary.

Merl. Quest. Merlin, Questions de Droit.

Merl. Repert. Merlin, Repertoire de Jurisprudence.

Merr. Att. Merrifield on Attorneys.

Merr. Costs. Merrifield's Law of Costs.

Met. (or **Metc.**) Metcalf's Mass. Reports; Metcalfe's Kentucky Reports.

Metc. Cont. Metcalf on the Law of Contracts.

Metc. Ky. Metcalfe's Kentucky Reports.

Metc. Yelv. Metcalf's edition of Yelverton.

Meth. Ch. Ca. Report of the Methodist Church Case.

Mich. Michigan; Michigan Reports; Michaelmas.

Mich. C. C. Rep. Michigan Circuit Court Reporter.

Mich. L. Michigan Lawyer, Detroit, Mich.

Mich. N. P. Michigan Nisi Prius Reports.

Mich. T. Michaelmas Term.

Mich. Vac. Michaelmas Vacation.

Michl. U. S. Nav. L. Michael's Naval Laws of the United States.

Mil. Miles' Pennsylvania Reports; Miller, see Mill.

Mil. Rep. The Militia Reporter, Boston.

Miles R. & O. Miles' Rules and Orders (Common Pleas).

Mill. Mill's South Carolina Constitutional Reports; Miller's Reports (1-5 Louisiana); Miller's Reports (3-18 Maryland).

Mill. Civ. L. Miller on Civil Law in England.

Mill. Code. Miller's Iowa Code.

Mill. Dec. Miller's Decisions Woolworth's Reports), United States Circuit Court; Miller's

Digitized by Google

Decisions, United States Supreme Court.

Mill. Eq. M. Miller on Equitable Mortgages.

Mill. Ins. (or **El.**) Miller's Elements of the Law of Insurance.

Mill. La. Miller's Reports (1-5 Louisiana).

Mill. Md. Miller's Reports (3-18 Maryland).

Mill. Part. Miller on Partition.

Mill. Pl. & Pr. Miller's Iowa Pleading and Practice.

Mill. & C. Bills. Miller & Collier on Bills of Sale.

Mill. & F. Pr. Miller & Field's Federal Practice.

Miller. Miller's Reports (1-5 La.); Miller's Reports (3-18 Md.).

Mills Em. D. Mills on Eminent Domain.

Milw. Milward's Irish Ecclesiastical Reports.

Min. Minutes; Minor; Minor's Alabama Reports.

Min. Dig. Minot's Digest (Massachusetts).

Min. Ev. Minutes of Evidence.

Min. Inst. Minor's Institutes of Common and Statute Law.

Min. Tax Tit. Minor's Tax Titles.

Minn. Minnesota Reports.

Minn. Ct. R. Minnesota Court Reporter.

Mir. (or **Mir. Just.**) Horne's Mirror of Justices.

Mir. Parl. Mirror of Parliament, London.

Mir. Pat. Off. Mirror of the Patent Office, Washington, D. C.

Mireh. Advow. Mirehouse on Advowsons.

Mireh. Ti. Mirehouse on Tithes.

Misc. N. Y. Miscellaneous Reports, New York.

Miss. Mississippi; Mississippi Reports.

Mit. Ch. Pl. Mitford's Equity Pleading.

Mit. Drunk. Mittermaier's Effect of Drunkenness on Criminal Responsibility.

Mitch. B. & N. Mitchell on Bills, Notes, &c.

Mitch. M. R. Mitchell's Maritime Register, London.

Mitf. Eq. Pl. Mitford's Equity Pleading.

Mitf. & Ty. Eq. Pl. Tyler's edition of Mitford's Equity Pleading.

MM. Manuscripts.

Mo. Missouri; Missouri Reports; Moore's English King's Bench Reports; Moore's English Common Pleas Reports; Moore's English Privy Council Reports; Modern Reports, English King's Bench, &c., see Mod.; Monthly.

Mo. App. Missouri Appeal Reports.

Mo. Bar. Missouri Bar, Jefferson City.

Mo. (F.) Sir Francis Moore's English King's Bench Reports.

Mo. I. A. Moore's Indian Appeals.

Mo. (J. B.) J. B. Moore's English Common Pleas Reports.

Digitized by Google

Mo. Jur. Monthly Jurist, Bloomington, Ill.

Mo. L. Mag. Monthly Law Magazine, London.

Mo. Leg. Exam. Monthly Legal Examiner, New York.

Mo. P. C. Moore's English Privy Council Reports.

Mo. Prec. Moile's Precedents.

Mo. W. Jur. Monthly Western Jurist, Bloomington, Ill.

Mo. & P. Moore & Payne's English Common Pleas Reports.

Mo. & R. Moody & Robinson's English Nisi Prius Reports.

Mo. & S. Moore & Scott's English Common Pleas Reports.

Moak. Eng. Rep. Moak's English Reports.

Moak. Und. Moak's edition of Underhill on Torts.

Moak Van. S. Pl. Moak's edition of Van Santvoord's Equity Pleading.

Mod. Modern Reports, English King's Bench, &c.

Mod. Cas. Modern Cases (6th Modern Reports).

Mod. Cas. L. & Eq. Modern Cases at Law and Equity (8 and 9 Modern Reports).

Mod. Cas. per Far. (or t. Holt). Modern Cases temp. Holt, by Farresby (7 Modern Reports).

Mod. Ent. Modern Entries.

Mod. Int. Brown's Modus Intrandi.

Mod. Rep. The Modern Reports, English King's Bench, &c.; Modern Reports by Style (Style's King's Bench Reports).

Moir Cap. Pun. Moir on Capital Punishment.

Mol. (or **Moll.**) Molloy's Irish Chancery Reports.

Mon. Montana Territory; Montana Reports; T. B. Monroe's Kentucky Reports; Monthly.

Mon. (B.) B. Monroe's Kentucky Reports.

Mon. Law. Mag. Monthly Law Magazine.

Mon. Meth. Monahan's Method of Law.

Mon. (T. B.) T. B. Monroe's Kentucky Reports.

Monc. Inn. Moncrieff on the Liability of Innkeepers.

Monc. Rev. Moncrieff on the Law of Review in Criminal Cases.

Monr. Monroe, see Mon.

Monro A. C. Monro's Acta Cancellariæ.

Mont. Montana; Montana Reports; Montagu's English Bankruptcy Reports; Montesquieu; Montriou's Bengal Reports.

Mont. Bk. L. Montagu's Bankruptcy Laws.

Mont. Cas. Montriou's Cases in Hindu Law.

Mont. Comp. Montagu on the Law of Composition.

Mont. Cond. Rep. Montreal Condensed Reports.

Mont. D. & DeG. Montagu, Deacon & De Gex's English Bankruptcy Reports.

Digitized by Google

Mont. Dig. (or Eq. Pl.) Montagu's Digest of Pleadings in Equity.

Mont. Inst. Montriou's Institutes of Jurisprudence.

Mont. L. R. Montreal Law Reporter.

Mont. Liens. Montagu on Liens.

Mont. Merc. Law. Montefiore's Synopsis of Mercantile Law.

Mont. Part. Montagu's Digest of the Law of Partnership.

Mont. S. O. Montagu on Set-Off.

Mont. Sp. L. Montesquieu's Spirit of Laws.

Mont. & Ayr. Montagu & Ayrton's English Bankruptcy Reports.

Mont. & Ayr. B. L. Montagu & Ayrton on the Bankrupt Laws.

Mont. & Bl. Montagu & Bligh's English Bankruptcy Reports.

Mont. & C. Montagu & Chitty's English Bankruptcy Reports.

Mont. & MacA. Montagu & MacArthur's English Bankruptcy Reports.

Month. J. L. Monthly Journal of Law, Washington.

Month. Jur. Monthly Jurist, Illinois.

Month. L. M. Monthly Law Magazine, London.

Month. Law Rep. Law Reporter, Boston.

Month. Leg. Ex. Legal Examiner, New York.

Month. West. Jur. Monthly Western Jurist.

Montr. Montriou's Reports, Bengal; Montriou's Supplement to Morton's Reports.

Moo. Francis Moore's English King's Bench Reports; J. M. Moore's English Common Pleas Reports; Moody's English Crown Cases.

Moo. A. Moore's Reports (1 Bosanquet & Puller, after page 470).

Moo. C. C. Moody's English Crown Cases Reserved.

Moo. Cr. C. Moody's Crown Cases, English Courts.

Moo. G. C. Moore: The Gorham Case, English Privy Council.

Moo. Ind. App. Moore's Reports, Privy Council, Indian Appeals.

Moo. P. C. Moore's Privy Council Cases.

Moo. Tr. Moore's Divorce Trials.

Moo. & Mal. Moody & Malkin's English Nisi Prius Reports.

Moo. & Pay. Moore & Payne's English Common Pleas Reports.

Moo. & Rob. Moody & Robinson's English Nisi Prius Reports.

Moo. & Sc. Moore & Scott's English Common Pleas Reports.

Mood. Moody's English Crown Cases Reserved.

Mood. & Malk. Moody & Malkin's English Nisi Prius Reports.

Moore. Moore's English King's Bench Reports; Moore's English Common Pleas Reports; Moore's English Privy Council Reports; Moore's Reports (28-33 Arkansas).

Moore (A.) Moore's Reports in 1 Bosanquet & Puller.

Moore Abs. Moore's Abstracts of Title.

Digitized by Google

Moore, E. I. Moore's East Indian Appeals.

Moore G. C. Moore's Gorham Case (English Privy Council).

Moore K. B. Sir F. Moore's English King's Bench Reports.

Moore P. C. Moore's Privy Council Reports.

Moore & P. Moore & Payne's English Common Pleas Reports.

Moore & S. Moore & Scott's English Common Pleas Reports.

Moore & Walker. Moore & Walker's Reports (22-24 Texas).

Mor. Morison's Dictionary of Decisions in the Court of Session, Scotland; Morris, see Morr.

Mor. (or **Morr.**) Morrell's (English) Bankruptcy Reports.

Mor. Chy. Acts. Morgan's Chancery Acts and Orders.

Mor. Comp. Morris on Compensations.

Mor. Corp. Morawetz on Private Corporations.

Mor. Dic. Morison's Dictionary of Decisions, Scotch Court of Session.

Mor. Dig. Morley's Digest of the Indian Reports; Morrison's New Hampshire Digest.

Mor. Dil. Morris on Dilapidations.

Mor. Ease. Morris on the Law of Easements.

Mor. Hors. Morrell on the Law of Horses.

Mor. Ia. Morris' Iowa Reports.

Mor. Lit. Morgan on the Law of Literature.

Mor. Min. R. Morrison's Mining Reports.

Mor. Pr. Morehead's Practice.

Mor. Rep. Morris' Law of Replevin.

Mor. Ry. Com. Morris on Railway Compensations.

Mor. St. Ca. Morris' Mississippi State Cases.

Mor. Supp. Supplement to Morison's Dictionary, Scotch Court of Session.

Mor. Syn. Morison's Synopsis, Scotch Session Cases.

Mor. Wills. Morrell on the Law of Wills.

Mor. & Carl. Moreau & Carleton's Partidas.

More. Lect. More's Lectures on the Law of Scotland.

More St. More's Notes on Stair's Institutions of Scotland.

Morg. Ch. Morgan's Chancery Acts and Orders.

Morg. Lit. Morgan on the Law of Literature.

Morg. Tar. Morgan on the United States Tariff.

Morg. & Ch. Jud. Acts. Morgan & Chute on the Judicature Acts.

Morg. & W. L. J. Morgan & William's Law Journal, London.

Morl. Dig. Morley's (East) Indian Digest.

Morr. Morris' Reports, Iowa; see also Morris, below, and Mor., above.

Morr. Dict. (or **M. Dict.**) Morison's Dictionary of Decisions, Scotch Court of Session.

Digitized by Google

Morr. Dig. Morrison's New Hampshire Digest; Morrison's Digest of Mining Decisions.

Morr. Repl. Morris on Replevin.

Morr. St. Cas. Morris' State Cases, Mississippi.

Morr. Supp. Supplement to Morison's Dictionary, Scotch Court of Session.

Morr. Trans. Morrison's Transcript, United States Supreme Court.

Morr. Mines. Morrison's Digest of Mining Decisions.

Morris. Morris' Iowa Reports; Morris' Reports (5 California); Morris' Reports (43-48 Mississippi); Morris' Jamaica Reports; Morris' Bombay Reports.

Morris & Har. Morris & Harrington's S. D. A. Reports, Bombay.

Morse Arb. Morse on the Law of Arbitration and Award.

Morse Bk. Morse on the Law of Banks and Banking.

Morse Tr. Morse's Famous Trials.

Mort. Vend. Morton on Vendors and Purchasers.

Morton. Morton's Reports, Bengal.

Mos. Mosley's English Chancery Reports.

Mos. Cont. Moseley Contraband of War.

Mos. El. L. Mosely's Elementary Law.

Mos. Man. Moses on the Law of Mandamus.

Moult. Ch. Moulton's New York Chancery Practice.

Mow. St. Mowbray's Styles of Deeds.

Moyle. Moyle's Entries.

Moz. Tr. M. Mozley on Trade-Marks Registration.

Moz. & W. Mozley & Whitley's Law Dictionary.

MS. Manuscript.

MSS. Manuscripts.

Much. D. & S. Muchall's Doctor and Student.

Muir. Gai. Muirhead's Institutes of Gaius.

Mun. Municipal; Munford's Virginia Reports.

Mung. Pay. Munger on Application of Payments.

Mur. Murphey's North Carolina Reports; Murray's Jury Court Reports (Scotland); Murray's Ceylon Reports; Murray's New South Wales Reports.

Mur. Tab. Cas. Murray's Tables of United States Cases.

Mur. U. S. Ct. Murray's Proceedings in the United States Courts.

Mur. Us. Murray's History of Usury.

Mur. & Hurl. Murphy & Hurlstone's English Exchequer Reports.

Murph. Murphey's North Carolina Reports.

Murr. Murray's Scotch Jury Trials; Murray's Laws and Acts of Parliament (Scotch); Murray's Ceylon Reports; Murray's New South Wales Reports.

Murr. Us. Murray on Usury.

Mutukisna. Mutukisna's Ceylon Reports.

Digitized by Google

My. Fed. Dec. Myer's Federal Decisions.

Myl. & Cr. Mylne & Craig's English Chancery Reports.

Myl. K. Mylne & Keen's English Chancery Reports.

Myr. Myrick's California Probate Court Reports.

N.

N. Note; Novellæ; Nebraska; Nevada; New.

N. A. Non allocatur.

N. B. Nulla bona; nota bene; New Brunswick.

N. B. R. National Bankruptcy Register, New York; New Brunswick Reports.

N. Benl. New Benloe, English King's Bench Reports.

N. C. North Carolina Reports; Notes of Cases (English Ecclesiastical and Maritime).

N. C. C. New Chancery Cases (Younge & Collyer).

N. C. Conf. North Carolina Conference Reports.

N. C. Ecc. Notes of Cases in the Ecclesiastical and Maritime Courts.

N. C. L. Rep. North Carolina Law Repository.

N. C. Str. Notes of Cases, by Strange, Madras.

N. C. T. Rep. North Carolina Term Reports.

N. Chip. N. Chipman's Vermont Reports.

N. D. No date.

N. Dak. North Dakota Reports.

N. E. New England; New Edition.

N. E. I. Non est inventus.

N. E. Rep. New England Reporter.

N. F. Newfoundland; Newfoundland Reports.

N. H. New Hampshire; New Hampshire Reports.

N. H. L. Notes from Hume's Lectures.

N. H. R. New Hampshire Reports.

N. H. & C. English Railway and Canal Cases, by Nichol, Hare, Carrow, &c.

N. J. New Jersey; New Jersey Reports; Novellæ Justiniani.

N. J. Eq. (or **Ch.**) New Jersey Equity Reports.

N. J. Law. New Jersey Law Reports.

N. J. L. J. New Jersey Law Journal, Somerville, N. J.

N. L. Nelson's Lutwyche, English Common Pleas Reports.

N. L. L. New Library of Law, &c., Harrisburg, Pa.; New Library of Law and Equity, English.

N. M. New Mexico; New Mexico Reports.

N. of Cas. Notes of Cases, English Ecclesiastical and Maritime Courts; Notes of Cases at Madras (by Strange).

N. P. Nisi Prius; New Practice; Nova Placita; Notary Public.

Digitized by Google

N. P. C. Nisi Prius Cases.

N. P. R. Nisi Prius Reports.

N. R. The New Reports (English); Bosanquet & Puller's New Reports; Novissima Recopilacion; Not reported.

N. R. B. P. New Reports of Bosanquet & Puller.

N. S. New Series; Nova Scotia.

N. S. L. R. Nova Scotia Law Reports.

N. S. W. New South Wales.

N. S. W. L. R. New South Wales Law Reports.

N. Sc. Dec. Nova Scotia Decisions.

N. W. P. Northwest Provinces, India.

N. W. P. C. Northwest Provinces (India) Code.

N. W. P. H. C. Northwest Provinces, High Court Reports, India.

N. W. Rep. Northwestern Reporter, St. Paul, Minn.

N. W. Rep. Ind. Sup. Northwestern Reporter, Indiana Supplement.

N. Y. New York; New York Court of Appeals Reports.

N. Y. App. Dec. New York Court of Appeals Decisions.

N. Y. Cas. Err. New York Cases in Error (Caines' Cases).

N. Y. Ch. Sent. New York Chancery Sentinel.

N. Y. City H. Rec. New York City Hall Recorder.

N. Y. Civ. Pr. Rep. New York Civil Procedure Reports.

N. Y. Co. Rem. New York Code of Remedial Justice.

N. Y. Code Reptr. New York Code Reporter.

N. Y. Code Rep. N. S. New York Code Reports, New Series.

N. Y. Con. Rep. New York Condensed Reports.

N. Y. Cr. Rep. New York Criminal Reports.

N. Y. Ct. App. New York Court of Appeals.

N. Y. El. Cas. New York Contested Election Cases.

N. Y. Jud. Rep. New York Judicial Repository (Bacon's).

N. Y. Jur. New York Jurist.

N. Y. Law Gaz. New York Law Gazette.

N. Y. Leg. N. New York Legal News.

N. Y. Leg. Obs. New York Legal Observer (Owen's).

N. Y. Leg. Reg. New York Legal Register.

N. Y. Mo. Law Bul. New York Monthly Law Bulletin.

N. Y. Mun. Gaz. New York Municipal Gazette.

N. Y. Op. Att. Gen. Sickel's Opinions of the Attorneys General of New York.

N. Y. Pr. New York Practice Reports.

N. Y. R. L. New York Revised Laws.

N. Y. R. S. New York Revised Statutes.

N. Y. Reg. New York Daily Register.

Digitized by Google

N. Y. Rep. New York Court of Appeals Reports.

N. Y. Reptr. New York Reporter (Gardenier's).

N. Y. S. R. (or St. Rep.) New York State Reporter.

N. Y. Spec. Term R. Howard's Practice Reports.

N. Y. Super Ct. New York Superior Court Reports.

N. Y. Supp. New York Supplement (Reporter System, Inferior N. Y. Courts).

N. Y. Suprm. Ct. New York Supreme Court Reports.

N. Y. T. R. New York Term Reports (Caines' Reports).

N. Y. Them. New York Themis.

N. Y. Trans. New York Transcript, New York City.

N. Y. Week. Dig. New York Weekly Digest.

N. Z. New Zealand.

N. Z. Jur. New Zealand Jurist.

N. & H. Nott & Huntington's Reports (1-7 U. S. Court of Claims).

N. & Hop. Nott & Hopkins' Reports (8-15 U. S. Court of Claims).

N. & M. Nevile & Manning's English King's Bench Reports.

N. & Mc. Nott & McCord's South Carolina Reports.

N. & P. Nevile & Perry's English King's Bench Reports.

Naar Elec. Naar on Suffrage and Elections.

Nam. Dr. Com. Namur's Cour de Droit Commercial.

Nap. Napier; Napoleon.

Nap. Pres. Napier on the Law of Prescription.

Napton. Napton's Reports (4 Missouri).

Naq. Leg. Chem. Naquet's Legal Chemistry.

Nar. Conv. Nares on Penal Convictions.

Narr. Mod. Narrationes Modernæ, or Style's King's Bench Reports.

Nas. Inst. Nasmith's Institutes of English Law.

Nash Pl. Nash's Ohio Pleading and Practice.

Nat. National.

Nat. B. R. National Bankruptcy Register.

Nat. Brev. Natura Brevium.

Nd. Newfoundland Reports.

Neb. Nebraska; Nebraska Reports.

Neg. Cas. Bloomfield's Manumission (or Negro) Cases, New Jersey.

Nel. (Nels. or Nels. 8 vo.) Nelson's English Chancery Reports.

Nell. Nell's Ceylon Reports.

Nels. Abr. Nelson's Abridgment of the Common Law.

Nels. Cler. Nelson's Rights of the Clergy.

Nels. Fol. Rep. Finch's Chancery Reports, edited by Nelson.

Nels. Lex Man. Nelson's Lex Maneriorum.

Nem. con. Nemine contradicente.

Nem. dis. Nemine dissentiente.

Nev. Nevada; Nevada Reports.

Digitized by Google

Nev. & Man. Nevile & Manning's English King's Bench Reports.

Nev. & Man. Mag. Cas. Nevile & Manning's English Magistrates' Cases.

Nev. & McN. Nevile & McNamara's English Railway and Canal Traffic Cases.

Nev. & P. Nevile & Perry's English King's Bench Reports.

Nev. & P. Mag. Cas. Nevile & Perry's English Magistrates' Cases.

New Ann. Reg. New Annual Register, London.

New Benl. New Benloe's Reports, English King's Bench.

New Br. New Brunswick Reports.

New Cas. Eq. New Cases in Equity (8, 9 Modern Reports).

New Eng. Rep. New England Reporter.

New Mag. Cas. New Magistrates' Cases (Bittleston, Wise & Parnell).

New Nat. Brev. New Natura Brevium.

New. on L. & S. Newell on Libel and Slander.

New Pr. Cases. New Practice Cases (English).

New Rep. New Reports in all the Courts, London; Bosanquet & Puller's New Reports (4, 5 Bos. & Pul).

New Sess. Cas. Carrow, Hamerton & Allen's New Sessions Cases (English).

New Term Rep. New Term Reports; Dowling & Ryland's King's Bench Reports.

Newb. Newberry's United States Admiralty Reports.

Newbyth. Newbyth's Manuscript Decisions, Scotch Session Cases.

Newf. Sel. Cas. Newfoundland Select Cases.

Newl. Ch. Pr. Newland's Chancery Practice.

Newl. Cont. Newland on Contracts.

Newm. Conv. Newman on Conveyancing.

Nic. Elec. Nicolson on Elections in Scotland.

Nic. & Fl. Reg. Nicoll & Flaxman on Registration.

Nich. Adult. Bast. Nicholas on Adulterine Bastardy.

Nicholl. English Railway and Canal Cases, by Nicholl, &c.

Nicholson. Nicholson's Manuscript Decisions, Scotch Session Cases.

Nient Cul. Nient culpable (not guilty).

Nil. Reg. Nile's Weekly Register.

Nisbet. (Nisbet of) Dirleton's Scotch Session Cases.

Nix. F. Nixon's Forms.

Nol. (Mag. or **Just.** or **Sett. Cas.)** Nolan's English Magistrates' Cases.

Nol. P. L. Nolan's Poor Laws.

Non. Cul. Non culpabilis (not guilty).

Nor. Fr. Norman-French.

Nor. Pat. Norman on Letters-Patent.

Nor. Pro. Pr. North's Probate Practice (Illinois).

Digitized by Google

Norr. Peake. Norris' edition of Peake's Law of Evidence.

Norris. Norris' Reports (82-96 Pennsylvania).

Nort. L. C. Norton's Leading Cases on Inheritance, India.

North. Reports temp. Northington (Eden's English Chancery Reports).

North Pr. North's Illinois Probate Practice.

North St. L. North on the Study of the Law.

Northw. Pr. Northwest Provinces, India.

Northw. Rep. Northwestern Reporter, St. Paul, Minn.

Not. Cas. Notes of Cases in the English Ecclesiastical and Maritime Courts; Notes of Cases at Madras (Strange).

Not. Dec. Notes of Decisions (Martin's North Carolina Reports).

Not. Dig. Boddam & Greenwood's Notanda Digest.

Notc. on Fac. Notcutt on Factories and Workshops.

Nott. Mech. L. Nott on the Mechanics' Lien Law.

Nott & Hop. Nott & Hopkins' Reports (8-15 United States Court of Claims).

Nott & Hunt. Nott & Huntington's Reports (1-7 U. S. Court of Claims).

Nott & McC. Nott & McCord's South Carolina Reports.

Nouv. Rev. Nouvelle Revue de Droit, Francais, Paris.

Nov. Novellæ.

Nov. Rec. Novisima Recopilacion de las Leyes de Espana.

Noy. Noy's English King's Bench Reports.

Noy. Ch. U. Noyes on Charitable Uses.

Noy. Max. Noy's Maxims.

O.

O. Ohio Reports; Oregon Reports; Overruled; Ordonnance; Ordinance; Otto's United States Supreme Court Reports; Orders.

O. B. Old Bailey; Old Benloe; Orlando Bridgman; O'Brien.

O. B. S. Old Bailey's Sessions Papers.

O. Ben. Old Benloe's Reports, English Common Pleas.

O. Bridg. Orlando Bridgman's Reports, English Common Pleas; Carter's Reports, temp. Bridgman, English Common Pleas.

O. C. Orphan's Court; Old Code (Louisiana Code of 1808).

O. (or Ohio) C. C. Ohio Circuit Court Reports.

O. G. Official Gazette, United States Patent Office, Washington, D. C.

O. (or Ohio) L. J. Ohio Law Journal.

O. N. B. Old Natura Brevium.

O. (or Ohio) N. P. Ohio Nisi Prius Reports.

O. (or Ohio) Pr. Rep. Ohio Probate Reports.

Digitized by Google

O. S. Old Series; Ohio State Reports.

O. St. Ohio State Reports.

O'Bri. Lawy. O'Brien's Lawyer's Rule of Holy Life.

O'Bri. M. L. O Brien's Military Law.

O'D. Pr. & Acc. O'Dedy on Principal and Accessory.

O'D. & Br. Eq. Dig. O'Donnell & Brady's Irish Equity Digest.

O'Dea Med. Exp. O'Dea's Medical Experts.

O'Dowd Sh. O'Dowd's Merchant Shipping Act.

O'Hara Wills. O'Hara on Wills, see Wigram on Wills, American edition.

O'Keefe Ord. O'Keefe's Orders in Chancery, Ireland.

O'Mal. & H. O Mally & Hardcastle's English Election Cases.

O'Neal Neg. L. O'Neal's Negro Law of South Carolina.

O. & T. Oyer and Terminer.

Observ. Observations.

Oct. Octavo.

Oct. Str. Octavo Strange (Select Cases relating to Evidence).

Odg. Lib. Odger on Libel and Slander.

Of. Cl. Pac. Officium Clerici Pacis.

Off. Br. Officina Brevium.

Off. Ex. Wentworth's Office of Executors.

Off. Gaz. Pat. Off. Official Gazette, United States Patent Office, Washington, D. C.

Officer. Officer's Reports (1-9 Minnesota).

Ogden. Ogden's Reports (12-15 Louisiana).

Ogs. Med. Jur. Ogston's Medical Jurisprudence.

Ohio. Ohio Reports.

Ohio L. J. Ohio Law Journal.

Ohio R. Cond. Ohio Reports, Condensed.

Ohio St. Ohio State Reports.

Oke Fish. L. Oke on the Fishery Laws.

Oke Game L. Oke on the Game Laws.

Oke Mag. Form. Oke's Magisterial Formulist.

Oke Mag. Syn. Oke's Magisterial Synopsis.

Oke Turn. Oke on Turnpikes.

Okl. Oklahoma Reports.

Ol. Conv. Oliver's Conveyancing.

Ol. Horse. Oliphant on the Law Concerning Horses.

Ol. Prec. Oliver's Precedents.

Olc. (or Olc. Adm.) Olcott's United States District Court (Admiralty) Reports.

Old Ben. Benloe in Benloe & Dalison, English Common Pleas Reports.

Oldn. Pr. Oldnall's Sessions Practice.

Oldr. Oldright s Reports Nova Scotia.

Oliph. Hor. Oliphant on the Law of Horses.

Oliv. B. & L. English Railway and Canal Cases, Vols. 5-7, by Oliver, Beavan & Lefroy.

Digitized by Google

Oliv. Conv. Oliver's Conveyancing.

Oliv. Prec. Oliver's Precedents.

Oll. B. & F. Olliver, Bell & Fitzgerald's New Zealand Reports.

Om. Mer. Sh. Omond on Merchant Shipping.

O'Mal. & H. O'Malley & Hardcastle's Election Cases.

Onsl. N. P. Onslow's Nisi Prius.

Ont. Ontario; Ontario Reports.

Ont. App. Ontario Appeal Reports.

Ont. Pr. Rep. Ontario Practice Reports.

Op. Att. Gen. Opinions of the United States Attorneys-General.

Op. N. Y. Atty. Gen. Sickel's Opinions of Attorneys-General of New York.

Or. Oregon; Oregon Reports.

Or. T. Rep. Orleans Term Reports (1, 2 Martin's Louisiana).

Ord. Orders; Ordinances.

Ord. Bilb. Ordinance of Bilboa.

Ord. Ch. Orders in Chancery.

Ord. Cla. Orders, Lord Clarendon's.

Ord. Copen. Ordinance of Copenhagen.

Ord. Ct. Orders of Court.

Ord. de la Mar. Ordonnance de la Marine de Louis XIV.

Ord. Flor. Ordinance of Florence.

Ord. Gen. Ordinance of Genoa.

Ord. Hamb. Ordinance of Hamburgh.

Ord. Königs. Ordinance of Königsberg.

Ord. Leg. Ordinance of Leghorn.

Ord. Med. Jur. Ordonaux's Medical Jurisprudence.

Ord. Port. Ordinance of Portugal.

Ord. Prus. Ordinance of Prussia.

Ord. Rott. Ordinance of Rotterdam.

Ord. Swed. Ordinance of Sweden.

Ord. Us. Ord on Usury.

Ordr. Jud. Ins. Ordonaux on Judicial Aspects of Insanity.

Ordr. Med. Jur. Ordonaux's Medical Jurisprudence.

Oreg. Oregon; Oregon Reports.

Orf. M. L. Orfila's Medicine Legale.

Orl. Bridgman. Orlando Bridgman's English Common Pleas Reports.

Orl. T. R. Orleans Term Reports (1, 2 Martin's Louisiana Reports).

Ormond. Ormond's Reports (12-15 Alabama).

Ort. Rom. Law. Ortolan's History of Roman Law.

Ott. Otto's United States Supreme Court Reports.

Ought. Oughton's Ordo Judiciorum.

Oult. Ind. Oulton's Index to Irish Statutes.

Digitized by Google

Oult. Laws Ir. Oulton's Laws of Ireland.

Out. Outerbridge's Reports (97, 98 Pennsylvania State).

Over. Overton's Tennessee Reports.

Overt. Pr. Overton's Iowa and Wisconsin Practice.

Ow. Owen's English K. B. Reports; New South Wales Reports.

Owen Bankr. Owen on Bankruptcy.

Oxley. Young's Vice-Admiralty Decisions, Nova Scotia, edited by Oxley.

P.

P. Easter (Paschal) Term; Pennsylvania; Peters; part; page; placitum; Partidas; Pickering's Massachusetts Reports.

P. (with date, or **P. D.**) Probate Division, Law Reports, England.

P. Abr. Pulton's Abridgment of the Statutes.

P. A. D. Peter's Admiralty Decisions.

P. C. Pleas of the Crown; Parliamentary Cases; Practice Cases; Prize Cases; Patent Cases; Privy Council; Political Code; Penal Code; Prize Court; Probate Court; Precedents in Chancery; Procedure Civile.

P. C. Act. Probate Court Act.

P. C. C. Privy Council Cases; Peters' Circuit Court Reports.

P. C. L. J. Pacific Coast Law Journal, San Francisco.

P. C. R. Parker's Criminal Reports, New York.

P. E. I. Rep. Prince Edward Island Reports (Haviland's).

P. F. S. P. F. Smith's Reports (51-81½ Pennsylvania State).

P. J. & H. (or **P. & H.**) Patton, Jr., & Heath's Virginia Reports.

P. L. Public Laws; Pamphlet Laws; Poor Laws.

P. L. Com. Poor Law Commissioners.

P. L. J. Pennsylvania Law Journal; Pittsburg Legal Journal, Pa.

P. L. R. Pennsylvania Law Record, Philadelphia.

P. N. P. Peake's English Nisi Prius Cases.

P. O. Cas. Perry's Oriental Cases, Bombay.

P. P. Parliamentary Papers.

P. P. A. P. Precedents of Private Acts of Parliament.

P. R. Parliamentary Reports; Pennsylvania Reports, by Penrose & Watts.

P. R. C. P. Practical Register in Common Pleas.

P. R. C. H. Practical Register in Chancery.

P. R. U. C. Practice Reports, Upper Canada.

P. R. & D. Power Rodwell & Dew's English Election Cases.

P. S. C. U. S. Peters' Supreme Court, United States.

P. S. R. Pennsylvania State Reports.

Digitized by Google

P. W. (or P. Wms.) Peere Williams' English Chancery Reports.

P. & C. Prideaux & Cole's Reports, English Courts (New Session Cases, Vol. 4).

P. & D. Perry & Davison's English Queen's Bench Reports.

P. & H. Patton, Jr., & Heath's Virginia Reports.

P. & K. Perry & Knapp's English Election Cases.

P. & M. Philip & Mary.

P. & R. Pigott & Rodwell's Election Cases, English.

P. & W. Penrose & Watts' Pennsylvania Reports.

Pa. Pennsylvania; Pennsylvania Reports, by Penrose & Watts; Pennsylvania State Reports.

Pa. (or Penn.) Ad. Rep. Pennsylvania Advance Reports.

Pa. (or Penn.) Co. Ct. Pennsylvania County Court Reports.

Pa. (or Penn) Dist. Pennsylvania District Court Reports.

Pa. L. G. Pennsylvania Gazette Reports (Campbell's) Pennsylvania.

Pa. L. J. Pennsylvania Law Journal Reports (Clark's); Pennsylvania Law Journal, Philadelphia.

Pa. (or Penn.) L. S. Pennsylvania Law Series.

Pa. L. Rec. Pennsylvania Law Record, Philadelphia.

Pa. St. Pennsylvania State Reports.

Pa. St. Tr. Pennsylvania State Trials (Hogan's).

Pac. Coast L. J. Pacific Coast Law Journal, San Francisco.

Pac. Law Mag. Pacific Law Magazine, San Francisco.

Pac. Law Reptr. Pacific Law Reporter, San Francisco.

Pac. Rep. Pacific Reporter.

Pag. Jud. Puz. Paget's Judicial Puzzles.

Page Div. Page on Divorce.

Pai. Paine's United States Circuit Court Reports; Paige's New York Chancery Reports.

Pai. Ch. Paige's New York Chancery Reports.

Paine C. C. Paine's United States Circuit Court Reports.

Paine & D. Pr. Paine & Duer's Practice.

Pal. (or Palm.) Palmer's English King's Bench Reports.

Pal. Ag. (or P. & A.) Paley on the Law of Principal and Agent or Agency).

Pal. Conv. Paley on Conviction.

Palg. Ch. Palgrave's Proceedings in Chancery.

Palg. Rise & Prog. Palgrave's Rise and Progress of the English Commonwealth.

Palm. Palmer's English King's Bench Reports.

Palm. Comp. Prec. Palmer's Company Precedents.

Palm. Pr. Comp. Palmer on Private Companies.

Palm. Pr. Lords. Palmer's Practice in the House of Lords.

Palm. Sh. Palmer on Shareholders and Directors.

Digitized by Google

Palm. Wr. Palmer on Wreck.

Pamph. Pamphlet.

Pand. The Pandects.

Panj. C. Panjab (or Punjab) Code.

Pank. Jur. Pankhurst's Jurisprudence.

Papy. Papy's Rep. (5, 6 Florida).

Par. Paragraph; Parker's English Exchequer Reports.

Par. Adm. Parsons on the Law of Shipping and Admiralty.

Par. Am. Law (or Comm.) Parsons' Commentaries on American Law.

Par. Bills & N. Parsons on Notes and Bills.

Par. Cont. Parsons on Contracts.

Par. Costs. Parsons on Costs.

Par. Dec. Parsons' Decisions, Massachusetts.

Par. Eq. Cas. Parsons' Select Equity Cases, Pennsylvania.

Par. Ess. Parsons' Essays on Legal Topics.

Par. L. Parsons' Law by Hughes.

Par. Laws Bus. Parsons' Laws of Business.

Par. Mar. Ins. Parsons on Marine Insurance and General Average.

Par. Mar. L. Parsons on Maritime Law.

Par. Merc. Law. Parsons on Mercantile Law.

Par. N. & B. Parsons on Notes and Bills.

Par. Part. Parsons on Partnership.

Par. Rights Cit. Parsons on the Rights of a Citizen of the United States.

Par. Sh. & Adm. Parsons on Shipping and Admiralty.

Par. W. C. Parish Will Case.

Par. Wills. Parsons on Wills.

Par. & Fonb. Med. Jur. Paris & Fonblanque's Medical Jurisprudence.

Pard. Pardessus' Cours de Droit Commercial.

Pard. Lois Mar. Pardessus' Lois Maritimes.

Pard. Serv. Pardessus' Traites des Servitudes.

Park. Parker's New York Criminal Reports; Parker's English Exchequer Reports.

Park. Arb. Parker on Arbitration.

Park. Ch. Parker's Chancery Practice.

Park. Cr. Cas. Parker's New York Criminal Cases.

Park. Dig. Parker's California Digest.

Park Dow. Park on Dower.

Park. Exch. Parker's English Exchequer Reports.

Park. Hist. Ch. Parkes' History of Chancery.

Park Ins. Park on Marine Insurance.

Park. Pr. Ch. Parker's Practice in Chancery.

Park. R. P. Parke on Real Property.

Park. Rev. Cas. Parker's English Exchequer Reports (Revenue Cases).

Park. Sh. Parker on Shipping and Insurance.

Digitized by Google

Parker. Parker's English Exchequer Reports; Parker's New York Criminal Reports; Parker, N. H. Reports.

Parl. Cas. Parliamentary Cases (House of Lords Reports).

Parl. Deb. Parliamentary Debates.

Parl. Hist. Parliamentary History.

Parl. Reg. Parliamentary Register.

Pars. Parsons, see Par.

Pars. Ans. Parsons' Answer to the Fifth Part of Coke's Reports.

Pars. Eq. Cas. Parsons' Select Equity Cases, Pennsylvania.

Pas. Ann. Const. Paschal's United States Constitution, Annotated.

Pas. Tex. Dig. Paschal's Texas Digest of Decisions.

Pas. Tex. Laws. Paschal's Texas Digest of Laws.

Paschal. Paschal's Reports (28-31 Texas).

Pat. Patent; Paton's Scotch Appeal Cases; Patterson's Scotch Appeal Cases.

Pat. App. Cas. Paton's Scotch Appeal Cases (Craigie, Stewart & Paton); Paterson's Scotch Appeal Cases.

Pat. Comp. Paterson's Compendium of English and Scotch Law.

Pat. Dig. Pattison's Missouri Digest.

Pat. Game L. Paterson on the Game Laws.

Pat. Ins. Paton on Insurance.

Pat. Law Rev. Patent Law Review, Washington, D. C.

Pat. Lib. Pr. Paterson's Liberty of the Press.

Pat. Lib. Sub. Paterson on the Liberty of the Subject.

Pat. Off. Dec. (United States) Patent Office Decisions.

Pat. Off. Gaz. Official Gazette, United States Patent Office, Washington, D. C.

Pat. St. Ex. Paterson's Law and Usages of the Stock Exchange.

Pat. St. Tr. Patron on Stoppage in Transitu.

Pat. & H. Patton, Jr., & Heath's Reports, Virginia.

Pat. & Mur. Paterson & Murray's Reports, New South Wales.

Patch. Mort. Patch on Mortgages.

Pater. Paterson's Scotch Appeal Cases; Paterson's New South Wales Reports.

Paton. (Craigie, Stewart &) Paton's Scotch Appeal Cases.

Patr. Elect. Cas. Patrick's Election Cases, Upper Canada.

Patt. Dig. Pattison's Missouri Digest.

Patt. & H. Patton & Heath's Virginia Reports.

Pay. Mun. Rights. Payne on Municipal Rights.

Pea. Peake's English Nisi Prius Reports.

Pea. M. S. Peachy on Marriage Settlements.

Peake Add. Cas. Peake's Additional Cases (Vol. 2 of Peake).

Peake Ev. Peake on the Law of Evidence.

Peake N. P. Peake's English Nisi Prius Cases.

Digitized by Google

Pears. Pearson's Reports, Pennsylvania.

Pearce C. C. Pearce's Reports, in Dearsly's Crown Cases, English.

Peck. Peck's Tennessee Reports; Peck's Reports (11-30 Illinois); Peckwell's English Election Reports.

Peck Mun. L. Peck's Municipal Laws of Ohio.

Peck Tr. Peck's Trial (Impeachment).

Peckw. Peckwell's English Election Cases.

Peere Wms. Peere Williams' Reports, English Chancery.

Pemb. Eq. (or **R. & S.**) Pemberton's Practice in Equity by way of Revivor and Supplement.

Pemb. Judg. Pemberton's Judgments and Orders.

Pen. Pennington's Reports, New Jersey.

Pen. L. The Penultimate Law of a Title.

Pen. & W. Penrose & Watts' Pennsylvania Reports.

Penn. Pennsylvania; (Pennsylvania State) Reports; Pennypacker's Pennsylvania Reports; Pennington's New Jersey Reports; Penrose & Watts' Pennsylvania Reports.

Penn. Bl. Pennsylvania Blackstone, by John Reed.

Penn. L. J. Pennsylvania Law Journal.

Penn. L. J. R. Pennsylvania Law Journal Reports (Clark).

Penn. L. Rec. Pennsylvania Law Record.

Penn. Pr. Pennsylvania Practice, by Troubat & Haly.

Penn. Rep. Pennsylvania State Reports; Penrose & Watts' Penn. Reports.

Penn. Sm. C. Pennington on Small Causes.

Penn. St. (or **St. R.**) Pennsylvania State Reports.

Penna. Pennsylvania.

Penna. Pr. Pennsylvania Practice, by Troubat & Haley.

Penning. Pennington's New Jersey Reports.

Penr. & W. Penrose & Watts' Pennsylvania Reports.

Penr. Anal. Penruddock's Analysis of the Criminal Law.

Peo. L. Adv. People's Legal Adviser, Utica, N. Y.

Per. Or. Cas. Perry's Oriental Cases, Bombay.

Per. Tr. Perry on Trusts.

Per. & Dav. Perry & Davison's English King's Bench Reports.

Per. & Kn. Perry & Knapp's English Election Reports.

Perk. Conv. Perkins on Conveyancing.

Perk. Pl. Perkins on Pleading.

Perk. Pr. Bk. Perkins' Profitable Book (Conveyancing).

Perp. Pat. Perpigna on Patents.

Perry. Sir Erskine Perry's Reports, in Morley's (East) Indian Digest; Perry's Oriental Cases.

Perry & Kn. Perry & Knapp's English Election Cases.

Pet. Peters' United States Supreme Court Reports; Peters' United States Circuit Court Re-

Digitized by Google

ports; Peters' Admiralty Reports; Peters' Prince Edward Island Reports.

Pet. Abr. Petersdorff's Abridgment.

Pet. Adm. Peters' U. S. District Court Reports (Admiralty Decisions).

Pet. Bail. Petersdorff on Bail.

Pet. Br. Petit Brooke, or Brooke's New Cases, English King's Bench.

Pet. C. C. Peters' United States Circuit Court Reports.

Pet. Cond. Peters' Condensed Reports, United States Supreme Court.

Pet. Dig. Peters' Digest of United States Supreme Court Reports.

Pet. L. Nat. Petersdorff on the Law of Nations.

Pet. M. & S. Petersdorff on Master and Servant.

Pet. S. C. Peters' United States Supreme Court Reports.

Pet. Suppl. Supplement to Petersdorff's Abridgment.

Peters Adm. Peters' U. S. District Court Reports (Admiralty Decisions).

Petersd. Abr. Petersdorff's Abridgment.

Petersd. B. Petersdorff on Bail.

Petersd. Pr. Petersdorff's Practice.

Petg. Pr. & A. Petgrave on Principal and Agent.

Peth. Dis. Petheram on Discovery.

Peth. Int. Petheram on Interrogatories.

Petit Br. Petit Brook, or Brooke's New Cases, English King's Bench.

Pett. Jur. Pettingall on Juries.

Ph. Phillips' English Chancery Reports; Phillimore's English Ecclesiastical Reports, see Phil.

Ph. Ev. Phillipps on Evidence.

Ph. St. Tr. Phillipps' State Trials.

Phear Wat. Phear on Rights of Water.

Pheney Rep. Pheney's New Term Reports.

Phil. Phillips' English Chancery Reports; Phillips' North Carolina Reports; Phillips' English Election Cases; Phillimore's Ecclesiastical Reports.

Phil. Civ. & Can. Law. Phillimore's Civil and Canon Law.

Phil. Cop. Phillips' Law of Copyright Designs.

Phil. Dom. Phillimore's Law of Domicil.

Phil. Ecc. Judg. Phillimore's Ecclesiastical Judgments.

Phil. Ecc. Law. Phillimore's Ecclesiastical Law.

Phil. Ecc. R. Phillimore's English Ecclesiastical Reports.

Phil. El. Cas. Phillips' Election Cases.

Phil. Eq. Phillips' North Carolina Equity Reports.

Phil. Ev. Phillipps on Evidence.

Phil. Fam. Cas. Phillipps' Famous Cases in Circumstantial Evidence.

Phil. Grand. Phillips' Grandeur of the Law.

Digitized by Google

Phil. Ins. Phillips' Law of Insurance.

Phil. Insan. Phillips on Lunatics.

Phil. Int. Law. Phillimore's International Law.

Phil. Int. Rom. Law. Phillimore's Introduction to the Roman Law.

Phil. Judg. Phillimore's Ecclesiastical Judgments.

Phil. Law. Phillips' North Carolina Law Reports.

Phil. Lun. Phillips on Lunatics.

Phil. Mech. Liens. Phillips on Mechanics' Liens.

Phil. N. C. Phillips' North Carolina Law Reports.

Phil. Pat. Phillips on Patents.

Phil. Rom. Law. Phillimore's Private Law among the Romans.

Phil. St. Leg. R. Phillips' Studii Legalis Ratio.

Phil. St. Tr. Phillips' State Trials.

Phil. U. S. Pr. Phillips' Practice, U. S. Supreme Court.

Phila. Philadelphia Reports.

Phill. Phillips, see Phil.

Phillim. Phillimore's English Ecclesiastical Reports; see also Phil.

Phillips. Phillips' English Chancery Reports; Phillips' North Carolina Reports, Law or Equity.

Pick. Pickering's Massachusetts Reports.

Pick. Stat. Pickering's English Statutes.

Pierce R. R. Pierce on Railroad Law.

Pig. Judg. Pigott on Foreign Judgments.

Pig. Rec. Pigott's Common Recoveries.

Pig. & R. Pigott & Rodwell's English Registration Appeal Cases.

Pike. Pike's Reports (1-5 Arkansas).

Pim. Ten. Pim on Feudal Tenures.

Pin. (or **Pinn.**) Pinney's Wisconsin Reports.

Pip. & C. Mil. L. Pipon & Collier on Military Law.

Piston. Piston's Mauritius Reports.

Pit. Sur. Pitman on the Law of Principal and Surety.

Pitc. Tr. Pitcairn's Criminal Trials, Scotland.

Pitm. Sur. Pitman on Suretyship.

Pitt. Bank. Pitt's Bankruptcy Acts.

Pitt C. C. Pr. Pitt's County Court Practice.

Pitts. L. J. Pittsburgh Legal Journal.

Pitts. Rep. Pittsburgh (Pennsylvania) Reports.

Piq. Aud. Pixley on Auditors.

Pl. Placitum or Placita (Subdivision).

Pl. (or **Pl. Com.**) Plowden's Commentaries or Reports, English King's Bench, &c.

Pl. C. Placita Coronæ (Pleas of the Crown).

Pl. Cr. Con. Tr. Plowden's Criminal Conversation Trials.

Pl. L. Platt on Leases.

Pl. Par. Placita Parliamentaria.

Pl. U. Plowden on Usury.

Digitized by Google

Pla. Placitum or Placita.

Plac. Abrev. Placitorum Abbrevatio.

Plac. Ang. Nor. Biglow's Placita Anglo-Normannica.

Platt Cov. Platt on Covenants.

Platt. Leas. Platt on Leases.

Pleb. Plebiscite.

Plow. Plowden's English King's Bench Reports.

Plum. Contr. Plumptre on Contracts.

Pmph. Pamphlet.

Po. Ct. Police Court.

Poc. Costs. Pocock on Costs.

Pol. (or **Pollex.**) Pollexfen's Reports, English King's Bench, &c., Police.

Pol. Cont. Pollock on Principles of Contract of Law and Equity.

Pol. Dig. Part. Pollock's Digest of the Laws of Partnership.

Pol. Law of Nat. Polson's Principles of the Law of Nations.

Pol. Mil. Dig. Poland's Digest of the Military Laws of the United States.

Pol. Part. Pollock's Digest of the Laws of Partnership.

Pol. Prod. Doc. Pollock on the Power of Courts to Compel the Production of Documents.

Pol. Tr. Mar. Poland's Law of Trade Marks.

Poll. Pollexfen's English King's Bench Reports; see also Pol.

Poll. Prod. Pollock on the Production of Documents.

Pols. Nat. Polson on the Law of Nations.

Pom. Const. Law. Pomeroy on the Constitutional Law of the United States.

Pom. Contr. Pomeroy on Contracts.

Pom. Eq. Juris. Pomeroy's Equity Jurisprudence.

Pom. Mun. Law. Pomeroy on Municipal Law.

Pom. Rem. Pomeroy on Civil Remedies.

Poore Const. Poore's Federal and State Constitutions.

Pope Cust. Pope on Customs and Excise.

Pope Lun. Pope on Lunacy.

Pop. (or **Poph.**) Popham's English, King's Bench Reports.

Poph. (2). Cases at the end of Popham's Reports.

Poph. Insol. Popham's Insolvency Act of Canada.

Porter. Porter's Alabama Reports; Porter's Reports (3-7 Indiana).

Post. Post's Reports (23,24 Michigan); Post's Reports (42-44 Missouri).

Poste Gai. Poste's translation of Gaius.

Postl. Dict. Postlethwaite's Dictionary of Trade and Commerce.

Pot. L. D. Pott's Law Dictionary.

Poth. Cont. Pothier on Contracts.

Poth. Cont. Sale. Pothier on the Contract of Sale.

Poth. Ob. Pothier on the Law of Obligations.

Poth. Œuv. Œuvres de Pothier.

Poth. Part. Pothier on Partnership.

Digitized by Google

Poth. Proc. Civ. Pothier de la Procedure Civile.

Poth. Mar. Cont. Pothier's Treatise on Maritime Contracts.

Pott. Corp. Potter on Corporations.

Pott. Dwarris. Potter's Edition of Dwarris on Statutes.

Potts L. D. Pott's Law Dictionary.

Pow. Am. Law. Powell's Analysis of American Law.

Pow. App. Proc. Powell's Law of Appellate Proceedings.

Pow. Car. Powell on Inland Carriers.

Pow. Cont. Powell on Contracts.

Pow. Conv. Powell on Conveyancing.

Pow. Dev. Powell on Devises.

Pow. Ev. Powell on Evidence.

Pow. Inl. Car. Powell on the Law of Inland Carriers.

Pow. Mort. Powell on Mortgages.

Pow. Pow. Powell on Powers.

Pow. Pr. Powell's Precedents in Conveyancing.

Pow. R. & D. Power, Rodwell & Dew's English Election Cases.

Poynt. M. & D. Poynter on Marriage and Divorce.

Pp. Pages.

Pr. Price's English Exchequer Reports; Principium (the beginning of a title, law, or section).

Pr. Adm. Dig. Pritchard's Admiralty Digest.

Pr. C. K. B. Practice Cases in the King's Bench.

Pr. Ch. Precedents in Chancery, by Finch; Practice in the High Court of Chancery.

Pr. Co. Prerogative Court.

Pr. Cont. Pratt's Cases on Contraband of War.

Pr. Dec. Printed Decisions (Sneed's Kentucky Decisions).

Pr. Div. Probate Division, Law Reports; Pritchard's Divorce and Matrimonial Cases.

Pr. Exch. Price's English Exchequer Reports.

Pr. Falc. President Falconer's Reports, Scotch Court of Session.

Pr. H. C. Ch. Practice of the High Court of Chancery.

Pr. L. Private Laws.

Pr. Min. Printed Minutes of Evidence.

Pr. R. An. Probate Reports Annotated.

Pr. Reg. C. P. Practical Register of the Common Pleas.

Pr. Reg. Ch. Practical Register in Chancery.

Pr. Stat. Private Statutes.

Pr. & Div. Probate and Divorce, English Law Reports.

Pra. Cas. Prater's Cases on Conflict of Laws.

Pra. H. & W. Prater on the Law of Husband and Wife.

Pratt B. S. Pratt's Law of Benefit Building Societies.

Pratt Cont. Pratt's Contraband-of-War Cases.

Pratt Cts. Req. Pratt's Statutes establishing Courts of Request.

Pratt Fr. Soc. Pratt on Friendly Societies.

Digitized by Google

Pratt High. Pratt on the Law of Highways.

Pratt P. L. Pratt's edition of Bott on the Poor Laws.

Pratt Prop. T. Pratt on the Property Tax Act.

Pratt S. L. Pratt on Law of Sea Lights.

Pratt Sav. B. Pratt's Savings Banks.

Pratt's Bott. Pratt's edition of Bott's Poor Laws.

Prax. Can. Praxis Almæ Curiæ Cancellariæ.

Pre. (or Prec. Ch.) Finch's Precedents in Chancery.

Preb. Pat. Cas. Preble's Digest of Patent Cases.

Pref. Preface.

Pren. Act. Prentice on Common Law Actions.

Prer. Prerogative Court.

Pres. Abs. Preston on Abstracts.

Pres. Conv. Preston's Conveyancing.

Pres. Est. Preston on Estates.

Pres. Leg. Preston on Legacies.

Pres. Mer. Preston on Merger.

Prest. Shep. T. Sheppard's Touchstone, by Preston.

Pri. (or Price). Price's English Exchequer Reports.

Price Gen. Pr. Price's General Practice.

Price Liens. Price on Liens.

Price Notes P. P. Price's Notes of Points of Practice, English Exchequer Cases.

Price R. Est. Price on Acts relating to Real Estate.

Prickett. Prickett's Reports (Idaho).

Prid. Ch. W. Prideaux's Church Warden's Guide.

Prid. Conv. (or Prec.) Prideaux & Whitcomb's Precedents in Conveyancing.

Prid. Judg. Prideaux on Judgments.

Prid. & C. Prideaux & Cole's Reports (English), New Session Cases, Vol. 4.

Prin. Dec. Printed Decisions (Sneed's), Kentucky.

Prin. P. L. Eden's Principles of the Penal Law.

Prince N. M. L. Prince's New Mexico Laws.

Pritch. Adm. Dig. Pritchard's English Admiralty Digest.

Pritch. M. & D. Pritchard on Divorce and Matrimonial Causes.

Priv. Counc. App. Privy Council Appeals.

Priv. Lond. Privilegia Londini (Customs or Privileges of London).

Pro. L. Province Laws.

Pro quer. Pro querente (for the Plaintiff).

Prob. Div. Probate Division, English Law Reports.

Prob. L. T. Probyn on Land Tenures.

Prob. & Adm. Div. Probate and Admiralty Division, Law Reports.

Prob. & Div. Probate and Divorce, English Law Reports.

Prob. & Mat. Probate and Matrimonial Cases.

Digitized by Google

Proc. B. & B. Proctor's Bench and Bar of New York.

Proc. Ch. Proceedings in Chancery.

Proc. Pr. Proctor's Practice.

Prof. Corp. Proffatt on Private Corporations in California.

Prof. Jur. Proffatt on Trial by Jury.

Prof. Not. Proffatt on Notaries.

Prof. Wills. Proffatt on Wills.

Pros & Cons. Craig's Pros and Cons, complete debates, etc.

Proud. Dom. Pub. Proudhon's Domaine Public.

Prt. Rep. Practice Reports.

Psych. & M. L. J. Psychological and Medico-Legal Journal, New York.

Pt. Part.

Puf. (or **Puff.**) Puffendorf's Law of Nature and Nations.

Pugs. Pugsley's Reports, New Brunswick.

Pugs. & Bur. Pugsley's & Burbidge's Reports, New Brunswick.

Pull. Acc. Pulling's Law of Mercantile Accounts.

Pull. Att. Pulling's Law of Attorneys.

Pulsifer. Pulsifer's Reports (65-68 Maine).

Pult. Pulton de Pace Regis.

Punj. Rec. The Punjab Record.

Purd. Dig. Purdon's Digest of Pennsylvania Laws..

Puter. Ch. Puterbaugh's Illinois Chancery Pleading.

Puter. Pl. Puterbaugh's Common Law (Illinois) Pleading.

Purv. Coll. Purvis' Collection of the Laws of Virginia.

Pyke. Pyke's Lower Canada King's Bench Reports.

Q.

Q. Quorum; Question; Questioned; Quadragesms (Year Books, Part IV.); Quebec; Queensland.

Q. B. Queen's Bench; Queen's Bench Reports (Adolphus & Ellis, New Series); English Law Reports, Queen's Bench; Queen's Bench Reports, Upper Canada; Queen's Bench Reports, Quebec.

Q. B. (with year). Queen's Bench Division Law Reports, England.

Q. B. Div. Queen's Bench Division, English Law Reports.

Q. B. R. Queen's Bench Reports, by Adolphus & Ellis (New Series).

Q. B. U. C. Queen's Bench Reports, Upper Canada.

Q. C. Queen's Council.

Q. L. R. Quebec Law Reports.

Q. S. Quarter Sessions.

Q. t. Qui tam.

Q. V. Quod vide (to which, refer).

Q. Van Weyt. Q. Van Weytson on Average.

Q. Vict. Statutes of Province of Quebec (Reign of Victoria).

Q. War. Quo Warranto.

Quadr. Quadragesms (Year Books, Part IV).

Digitized by Google

Quar. Crim. Dig. Quarles' Tennessee Criminal Digest.

Quar. Law Jour. Quarterly Law Journal, Richmond, Va.

Quar. L. Rev. Quarterly Law Review, Richmond, Va.

Queens. L. J. Queensland Law Journal.

Queens. L. R. Queensland Law Reports.

Quin. Quincy's Massachusetts Reports.

Quin Bank. Quin on the Law of Banking.

Quinti, Quinto. Year Book, 5 Henry V.

Quo War. Quo Warranto.

R.

R. Reports; Railroad; Railway; King Richard; Roy or Rex; Rolls; Revision; Reversed; Resolved; Repealed; Rawle's Pennsylvania Reports; Rettie, Crawford & Melville's (Fourth Series) Scotch Session Cases.

R. A. Registration Appeals; Regular Appeals.

R. C. Rolls of Court; Record Commissioners; Railway Cases; Registration Cases.

R. C. & C. R. Revenue, Civil and Criminal Reporter, Calcutta.

R. I. Rhode Island; Rhode Island Reports.

R. J. De Regulis Juris.

R. J. & P. J. Revenue, Judicial and Police Journal, Calcutta.

R. L. Revised Laws; Roman Law; Ross' Lectures.

R. L. & S. Ridgeway, Lapp & Schoales' Irish King's Bench Reports.

R. L. & W. Robert, Leaming and Wallis' English County Court Reports.

R. M. Regiam Majestatem.

R. M. Ch. R. M. Charlton's Georgia Reports.

R. N. P. Roscoe's Nisi Prius.

R. P. C. Real Property Cases, English.

R. P. & W. (Rawle) Penrose & Watts' Pennsylvania Reports.

R. R. Railroad; Railway.

R. R. & Can. Cas. Railway and Canal Cases, English.

R. S. Revised Statutes.

R. S. L. Reading on Statute Law.

R. t. F. (Reports temp.) Finch, English Chancery.

R. t. H. Reports temp. Hardwicke (Lee), English King's Bench; Reports temp. Holt (Cases concerning Settlements).

R. t. Q. A. Reports temp. Queen Anne (11 Modern).

R. & B. Cas. Redfield & Bigelow's Leading Cases on Bills and Notes.

R. & C. Cas. Railway and Canal Cases, English.

R. (or Ry.) & C. Tr. Cas. (English) Railway and Canal Traffic Cases (by Neville, Browne & McNamara).

R. & H. Bank. Roche & Hazlitt on Bankruptcy.

Digitized by Google

R. & L. L. & T. Redman & Lyon on the Law of Landlord and Tenant.

R. & M. Russell & Mylne's English Chancery Reports; Ryan & Moody's English Nisi Prius Reports.

R. & R. C. C. Russell & Ryan's English Crown Cases Reserved.

Ra. Ent. Lord Raymond's Entries.

Raff Pens. Man. Raff's Pension Manual.

Rail (or Railw.) Cas. Railway Cases.

Rail. & Can. Cas. Railway and Canal Cases, English.

Raith. St. Raithby's Statutes at Large, English; Raithby's Study of the Law.

Ram. Ass. Ram on Assets.

Ram Cas. P. & E. Ram's Cases of Pleading and Evidence.

Ram F. Ram on Facts.

Ram. Leg. J. Ram on Science of Legal Judgment.

Ram. W. Ram on Exposition of Wills, &c.

Ram. & Mor. Ramsey & Morin's Montreal Law Reporter.

Rand. Randolph's Virginia Reports; Randolph's Reports (21-24 Kansas); Randolph's Reports (7-11 Louisiana Annual).

Rand. Peak. Randall's edition of Peake on Evidence.

Rand. Perp. Randall on the Law of Perpetuities.

Rand. & Fur. Poi. Rand & Furness on Poisons.

Raney. Raney's Reports (16 Florida).

Rang. Dec. Spark's Rangoon Decisions, British Burmah.

Rank. P. Rankin on Patents.

Rap. Fed. Dig. Rapalje's Federal Reference Digest.

Rap. N. Y. Dig. Rapalje's New York Reference Digest.

Rapp Bount. Rapp on the Bounty Laws.

Rast. Abr. Rastell's Abridgment of the Statutes.

Rast. Ent. Rastell's Entries and Statutes.

Ratt. L. C. Rattigan's Leading Cases on Hindu Law.

Ratt. R. L. Rattigan's Roman Law of Persons.

Raw. Rawle's Pennsylvania Reports.

Raw. Const. Rawle on the United States Constitution.

Raw. Cov. Rawle on Covenants for Title.

Raw. Eq. Rawle's Equity (in Pennsylvania).

Rawl. Mun. Corp. Rawlinson on Municipal Corporations.

Rawle. Rawle's Pennsylvania Reports; see also Raw., above.

Rawle Pen. & W. (Rawle) Penrose & Watt's Pennsylvania Reports.

Ray. B. Ex. Raymond's Bill of Exceptions.

Ray. Ins. (or **Med. Jur.**) Ray's Medical Jurisprudence of Insanity.

Ray. Men. Path. Ray's Mental Pathology.

Digitized by Google

Raym. Lord Raymond's English King's Bench Reports.

Raym. B. Ex. Raymond on Bills of Exceptions.

Raym. Ch. Dig. Raymond's Digested Chancery Cases.

Raym. Ent. Raymond's Entries.

Raym. Ld. Lord Raymond's English King's Bench Reports.

Raym. Sir T. Sir Thomas Raymond's English King's Bench Reports.

Rayn. Rayner's English Tithe Cases.

Rayn. Lib. Rayner on the Law of Libels.

Read Dec. (or Pl.) Read's Declarations and Pleadings.

Real Est. Rec. Real Estate Record, New York.

Real Pr. Cas. Real Property Cases (English).

Rec. Records; Recorder.

Rec. Com. Record Commission.

Rec. Dec. Vaux's Recorder's Decisions, Philadelphia.

Red. Redfield's New York Surrogate Reports.

Red. Am. R. R. Cas. Redfield's American Railway Cases.

Red. Bail. Redfield on Carriers and Bailments.

Red. Car. Redfield on Carriers and Bailments.

Red. Cas. R. R. Redfield's Leading Cases on Railroads.

Red. Cas. Wills. Redfield's Leading Cases on Wills.

Red. Int. L. Reddie's Inquiries in International Law.

Red. Mar. Com. Reddie's Law of Maritime Commerce.

Red. Mar. Int. L. Reddie's Researches in Maritime International Law.

Red. Pr. Redfield's Practice, New York.

Red. R. L. Reddie's Roman Law.

Red. R. R. Redfield on the Law of Railroads.

Red. R. R. Cas. Redfield's Leading Cases on Railroads.

Red. Sc. L. Reddie's Science of Law.

Red. Wills. Redfield on the Law of Wills.

Red. & Big. Cas. B. & N. Redfield & Bigelow's Leading Cases on Bills and Notes.

Redes. Pl. Redesdale's Treatise upon Equity Pleading.

Redf. Redfield's New York Surrogate Reports; see also Red.

Redington. Redington's Reports (31-35 Maine).

Redm. Arb. Redman on Arbitration.

Reed Am. L. S. Reed's American Law Studies.

Reed B. S. Reed on Bills of Sale.

Reed Car. Reed on Railways as Carriers.

Reed Fraud. Reed's Leading Cases on Statute of Frauds.

Reed Pa. Black. Reed's Pennsylvania Blackstone.

Reed Pr. Sug. Reed's Practical Suggestions for the Management of Lawsuits.

Reeve Des. Reeve on Descents.

Digitized by Google

Reeve Dom. Rel. Reeve on Domestic Relations.

Reeve Eng. Law. Reeve's History of the English Law.

Reeve. Sh. Reeves on the Law of Shipping.

Reg. The Daily Register, New York City.

Reg. App. Registration Appeals.

Reg. Brev. Registrum Brevium, Register of Writs.

Reg. Cas. Registration Cases.

Reg. Deb. (Gales). Register of Debates in Congress, 1789-91 (Gales').

Reg. Deb. (G. & S.) Register of Debates in Congress, 1824-27 (Gales & Seaton's).

Reg. Gen. Regulæ Generales.

Reg. Jud. Registrum Judiciales, Register of Judicial Writs.

Reg. Lib. Register Book.

Reg. Maj. Books of Regiam Majestatem (Scotland).

Reg. Orig. Registrum Originale.

Reg. Pl. (or Plac.) Regula Placitandi.

Reid P. L. Dig. Reid's Digest of Scotch Poor Law Cases.

Reilly. Reilly's English Arbitration Cases.

Rem. Cr. Tr. Remarkable Criminal Trials.

Rem. Tr. Cummins & Durphy's Remarkable Trials.

Rem. Tr. No. Ch. Benson's Remarkable Trials and Notorious Characters.

Rep. (1, 2, &c.) 1, 2, &c., Coke's English King's Bench Reports.

Rep. Report, or Reports; Repealed; Repertoire; Wallace's "The Reporters;" The Reporter. Boston, Mass.; The Reporter. Washington and New York.

Rep. Ass. Y. (Clayton's) Reports of Assises at Yorke.

Rep. Cas. Eq. Gilbert's Chancery Reports.

Rep. Cas. Madr. Reports of Cases. Dewanny Adawlut, Madras.

Rep. Cas. Pr. Reports of Cases of Practice (Cooke's).

Rep. Ch. Reports in Chancery, English.

Rep. Ch. Pr. Reports on Chancery Practice.

Rep. Com. Cas. Reports of Commercial Cases, Bengal.

Rep. Const. Ct. Reports of the Constitutional Court, South Carolina (Treadway, Mill, or Harper).

Rep. Cr. L. Com. Reports of Criminal Law Commissioners.

Rep. de Jur. Repertoire de Jurisprudence, Paris.

Rep. de Jur. Com. Repertoire de Jurisprudence Commerciale, Paris.

Rep. de Not. Repertoire de Notariæ, Paris.

Rep. Eq. Gilbert's English Reports in Equity.

Rep. in Can. Reports in Chancery, English.

Rep. Jur. Repertorium Juridicum.

Rep. Q. A. Reports temp. Queen Anne (11 Modern).

Rep. Sel. Cas. Ch. Kelynge's (W.) Reports, English Chancery.

Digitized by Google

Rep. t. Finch. (Reports temp.) Finch, English Chancery.

Rep. t. Hard. Lee's Reports temp. Hardwicke, English King's Bench.

Rep. t. Holt. Reports temp. Holt (English Cases of Settlement).

Rep. t. O. Br. Carter's English Common Pleas Reports temp. O. Bridgman.

Rep. t. Q. A. Reports temp. Queen Anne (11 Modern Reports).

Rep. t. Talb. Reports temp. Talbot, English Chancery.

Rep. Yorke Ass. Reports of Assizes at Yorke (Clayton's Reports).

Reports. Coke's English King's Bench Reports.

Reptr. The Reporter, Boston, Mass.

Res. Resolved; Resolution; Reserved.

Res. Cas. Reserved Cases.

Ret. Brev. Retorna Brevium.

Rettie. Rettie, Crawford & Melville's Scotch Session Cases (4th series).

Rev. Revised; Reversed; Revenue.

Rev. C. & C. Rep. Revenue, Civil and Criminal Reporter, Bengal.

Rev. Cas. Revenue Cases.

Rev. Crit. La Revue Critique, Montreal.

Rev. Crit. de Leg. Revue Critique de Legislation, Paris.

Rev. de Dr. Int. Revue de Droit International, Paris.

Rev. de Leg. Revue de Legislation.

Rev. J. & P. J. Revenue, Judicial and Police Journal, Bengal.

Rev. L. Revised Laws.

Rev. Leg. La Revue Legale, Quebec.

Rev. St. Revised Statutes.

Rev. Sw. Dig. Revision of Swift's Digest of Connecticut Laws.

Reyn. L. Ins. Reynold's Life Insurance.

Reyn. Steph. Reynolds' edition of Stephens on Evidence.

Reynolds. Reynolds' Reports (40, 41 Mississippi).

Rho. L. Rhodian Law.

Rice. Rice's South Carolina Law Reports.

Rice Dig. Rice's S. C. Digest; Rice's Digest of Patent Office Decisions.

Rice Eq. (or **Ch.**) Rice's South Carolina Equity Reports.

Rich. Richardson's South Carolina Law Reports; Richardson's Reports (3-5 New Hampshire).

Rich. C. P. Richardson's Practice, Common Pleas.

Rich. Ch. (or **Eq.**) Richardson's South Carolina Equity Reports.

Rich. Ch. Pr. Richardson's Chancery Practice.

Rich. Com. L. Richardson's Commercial Law.

Rich. Eq. (or **Ch.**) **Cas.** Richardson's South Carolina Equity Cases.

Rich. N. S. Richardson's Reports, South Carolina, New Series.

Rich. Pr. C. P. Richardson's Practice, Common Pleas.

Rich. Pr. K. B. Richardson's Practice, King's Bench.

Digitized by Google

Rich. Pr. Reg. Richardson's Practical Register, English Common Pleas.

Rich. Wills. Richardson on Wills.

Rich. & W. Richardson & Woodbury's Reports (2 New Hampshire).

Rick. Eng. St. Rickard's English Statutes.

Rid. Sup. Proc. Riddle's Supplementary Proceedings (New York).

Ridg. (or **Ridg. t. Hard.**, or **Ridg. Cas.**, or **Ridg. & Hard.**) Ridgeway Reports temp. Hardwicke, Chancery and K. B.

Ridg. Ap. (or **P. C.**) Ridgeway's Irish Appeal (or Parliamentary) Cases.

Ridg. L. & S. Ridgeway, Lapp & Schoales' Irish Term Reports.

Ridg. Rep. (or **St. Tr.**) Ridgeway's (individual) Reports of State Trials in Ireland.

Ridgew. Ridgeway, see Ridg.

Ril. (or **Riley.**) Riley's South Carolina Law Reports.

Ril. (or **Riley**) **Eq.** (or **Ch.**) Riley's South Carolina Chancery Reports.

Ril. Harp. Riley's edition of Harper's South Carolina Reports.

Ring. Bank. Ringwood's Principles of Bankruptcy.

Rits. Cts. Leet. Ritson's Jurisdiction of Courts-Leet.

Riv. Ann. Reg. Rivington's Annual Register.

Rob. Robinson's Virginia Reports; Robinson's Louisiana Reports; Robertson's New York Superior Court Reports; Robertson's English Ecclesiastical Reports; Chr. Robinson's English Admiralty Reports; W. Robinson's English Admiralty Reports; Robinson's Scotch Appeal Cases; Robertson's Scotch Appeal Cases; Robinson's Reports (38 California); Robinson's Reports (1-4 Louisiana Annual); Roberts Reports (29-31 Louisiana Annual); Robards' Reports (12, 13 Missouri); Robards' Conscript Cases, Texas; Chr. Robinson's Upper Canada Reports; J. L. Robinson's Upper Canada Reports; Robertson's Reports (1 Hawaiian).

Rob. Adm. & Pr. Roberts on Admiralty and Prize.

Rob. App. Robinson's Scotch Appeal Cases.

Rob. Bank. Robson's Bankrupt Practice; Robertson's Handbook of Bankers' Law.

Rob. Cas. Robertson's Scotch Appeal Cases.

Rob. Chr. Chr. Robinson's English Admiralty Reports.

Rob. Consc. Cas. Robards' Conscript Cases, Texas.

Rob. Dig. Roberts' Digest, Lower Canada; Roberts' Digest of Vermont Reports.

Rob. Ecc. Robertson's English Ecclesiastical Reports.

Rob. El. Law. Robinson's Elementary Law.

Rob. Ent. Robinson's Book of Entries.

Rob. Eq. Roberts' Principles of Equity.

Rob. Forms. Robinson's (Virginia) Forms.

Rob. Fr. Roberts on Frauds.

Digitized by Google

Rob. Fr. Conv. Roberts on Fraudulent Conveyances.

Rob. Gav. Robinson's Gavelkind, or Common Laws of Kent.

Rob. Jun. William Robinson's English Admiralty Reports.

Rob. Jus. Robinson's Justice of the Peace.

Rob. L. & W. Roberts, Leaming & Wallis' County Court Reports.

Rob. La. Robinson's Louisiana Reports.

Rob. Leg. Robertson on Legitimation by Subsequent Marriage.

Rob. Per. Suc. Robertson's Law of Personal Succession.

Rob. Pr. Robinson's Practice (Old or New).

Rob. Prior. Robertson's Law of Priority of Incumbrances.

Rob. S. I. Robertson's Sandwich Islands (Hawaiian) Reports.

Rob. Sc. App. Robinson's Scotch Appeals, English House of Lords.

Rob. Sr. Ct. Robertson's New York Superior Court Reports.

Rob. Succ. Roberts on the Law of Personal Succession.

Rob. U. C. Robinson's Reports, Upper Canada.

Rob. Va. Robinson's Virginia Reports.

Rob. Va. Prac. Robinson's Virginia Practice.

Rob. W. (or Wills.) Roberts on Wills.

Rob. Wm. Adm. Wm. Robinson's English Admiralty Reports.

Robards. Robards' Reports (1, 2 and 13 Missouri); Robards' Texas Conscript Cases.

Robards & Jackson. Robards and Jackson's Reports (26, 27 Texas).

Robb. Pat. Cas. Robbs United States Patent Cases.

Roberts. Roberts' Reports (29-31 Louisiana Annual).

Robertson. Robertson's Scotch Appeal Cases; Robertson's New York Superior Court Reports; Robertson's New York Marine Court Reports; Robertson's English Ecclesiastical Reports; Robertson's Hawaiian Reports; see also Rob., above.

Robin. App. Robinson's Scottish Appeal Cases.

Robinson. Chr. Robinson's English Admiralty Reports; W. Robinson's English Admiralty Reports; Robinson's Virginia Reports; Robinson's Louisiana Reports; Robinson's Scotch Appeal Cases; Robinson's Reports (38 California); Chr. Robinson's Reports, Upper Canada; J. L. Robinson's Reports, Upper Canada.

Robs. Bank. Robson on Bankruptcy Practice.

Robt. Robert; Robertson (see above).

Roc. Roccus de Navibus et Nauta (Maritime Law).

Roc. Ins. Roccus on Insurance.

Roche & H. Bank. Roche & Hazlitt on Bankruptcy.

Rock. Min. Rockwell on Mines.

Rock. Sp. Law. Rockwell's Spanish and Mexican Law relating to Mines.

Digitized by Google

Rodman. Rodman's Reports (78 Kentucky).

Roe U. S. Com. Roe's Manual for United States Commissioners.

Roelk. Man. Roelke's Manual for Notaries and Bankers.

Rog. C. H. R. Rogers' City Hall Recorder, New York.

Rog. Ecc. L. Rogers' Ecclesiastical Law.

Rog. Elec. Rogers on Elections and Registration.

Rog. Jud. Acts. Rogers on the Judicature Acts.

Rog. Min. Rogers on Mines and Minerals.

Rog. Rec. Rogers' City Hall Recorder, New York.

Rog. Trav. Rogers' Wrongs and Rights of a Traveller.

Rol. (or Roll.) Rolle's English K. B. Reports; Rolle's Abridgment.

Roll. Roll of the Term.

Rolle. Rolle's English King's Bench Reports.

Rolle Abr. Rolle's Abridgment of the Common Law.

Rolls Ct. Rep. Rolls Court Reports.

Rom. Romilly's Notes of Cases, English Chancery.

Rom. Cr. Law. Romilly's Observations on the Criminal Law.

Root. Root's Connecticut Reports.

Root. Bt. Laws. Root's Digest Bankrupt Laws.

Rop. H. & W. (or Bar. & Fem.) Roper on husband and wife (Baron and Feme).

Rop. Leg. Roper on Legacies.

Rop. Prop. Roper on Property.

Rop. Rev. Roper on Revocation of Wills.

Ror. Int. St. L. Rorer on Inter-State Law.

Ror. Jud. Sal. Rorer on Void Judicial Sales.

Rosc. Act. Roscoe on Actions.

Rosc. Adm. Roscoe's Admiralty Jurisdiction and Practice.

Rosc. Bdg. Cas. Roscoe's Digest of Building Cases.

Rosc. Bills. Roscoe on Bills.

Rosc. Civ. Pr. Roscoe's Outlines of Civil Procedure.

Rosc. Crim. Ev. Roscoe on Criminal Evidence.

Rosc. Ev. Roscoe's Nisi Prius Evidence.

Rosc. Jur. Roscoe's Jurist, London.

Rosc. Light. Roscoe's Law of Light.

Rosc. N. P. Roscoe's Nisi Prius Evidence.

Rosc. Pl. Roscoe on Pleading.

Rosc. R. A. Roscoe on Real Actions.

Rosc. St. D. Roscoe on Stamp Duties.

Rose (or Rose B. C.) Rose's Reports, English Bankruptcy.

Rose Dig. Rose's Digest of Arkansas Reports.

Rose W. C. Rose Will Case, New York.

Ross Conv. Ross' Lectures on Conveyancing, &c., Scotland.

Ross Ldg. Cas. Ross' Leading Cases on Commercial Law.

Digitized by Google

Ross V. & P. Ross' Law of Vendors and Purchasers.

Rot. Chart. Rotulus Chartarum (the Charter Roll).

Rot. Claus. Rotuli Clausi (Close Rolls).

Rot. Cur. Reg. Rotuli Curiæ Regis.

Rot. Flor. Rotæ Florentinæ (Reports of the Supreme Court, or Rota, of Florence).

Rot. Parl. Rotulæ Parliamentariæ.

Rot. Pat. Rotuli Patentes (Patent Rolls).

Rot. Plac. Rotulus Placitorum (the Plea Roll).

Round Dom. Round's Law of Domicil.

Round L. & A. Round on Light and Air.

Round Lien. Round on the Law of Lien.

Rouse Conv. Rouse's Practical Conveyancer.

Rouse Cop. Rouse's Copyhold Enfranchisement Manual.

Rouse Pr. Mort. Rouse's Precedents of Mortgages.

Row. Eng. Const. Rowland's Manual of the English Constitution.

Rowe. Rowe's Interesting Parliamentary and Military Cases.

Rowe Sci. Jur. Rowe's Scintilla Juris.

Rowell. Rowell's Reports (45-52 Vermont).

Royle Stock Sh. Royle on the Law of Stock Shares, &c.

Rub. Conv. Rubenstein's Conveyancing.

Ruegg Emp. L. Ruegg on the Employers' Liability Act.

Ruff. (or **Ruff. & H.**) Ruffin's (& Hawks') North Carolina Reports.

Ruff. (or **Ruffh.**) **St.** Ruffhead's English Statutes.

Runn. Eject. Runnington's Ejectment.

Runn. Stat. Runnington on Statutes.

Runnell. Runnell's Reports (38, 39 Iowa).

Rus. Russell, see Russ.

Rushw. Rushworth's Historical Collection.

Russ. Russell's English Chancery Reports.

Russ. Arb. Russell on Arbitrators.

Russ. Cr. Russell on Crimes and Misdemeanors.

Russ. Elect. Cas. Russell's Election Cases, Nova Scotia.

Russ. Fact. Russell on Factors and Brokers.

Russ. Merc. Ag. Russell on Mercantile Agency.

Russ. t. Eld. Russell's English Chancery Reports temp. Eldon.

Russ. & Ches. Russell & Chesley's Reports, Nova Scotia.

Russ. & Ches. Eq. Russell & Chesley's Equity Reports, Nova Scotia.

Russ. & Geld. Russell & Geldert's Reports, Nova Scotia.

Russ. & M. Russell and Mylne's English Chancery Reports.

Digitized by Google

Russ. & Ry. Russell & Ryan's English Crown Cases Reserved.

Rutg. Cas. Rutger-Waddington Case, New York City, 1784.

Ruth. Inst. Rutherford's Institutes of Natural Law.

Ry. Railway; Railroad.

Ry. Cas. Reports of Railway Cases.

Ry. F. Rymer's Fœdera, Conventiones, etc.

Ry. Med. Jur. Ryan's Medical Jurisprudence.

Ry. & M. Ryan & Moody's English Nisi Prius Reports.

Ryl. Plac. Parl. Ryley's Placita Parliamentaria.

Rym. F. Rymer's Fœdera.

S.

S. Shaw, Dunlop & Bell's Scotch Court of Session Reports (1st Series); Shaw's Appeal Cases, House of Lords, Scotland.

S. (or §). Section.

S. (or **So.**) **Atl. Rep.** South Atlantic Reporter.

S. A. L. R. South Australian Law Reports.

S. App. Shaw's Scotch House of Lords (Appeal) Cases.

S. B. Upper Bench, or Supreme Bench.

S. C. South Carolina; South Carolina Reports, New Series; Same Case; Superior Court; Supreme Court; Senatus Consultus; Sessions Cases.

S. C. C. Select Chancery Cases (Part 3 of Cases in Chancery); Small Cause Court, India.

S. C. E. Select Cases Relating to Evidence (Strange).

S. C. R. South Carolina Reports, New Series; Harper's South Carolina Reports; Supreme Court Reports.

S. Car. South Carolina; South Carolina Reports, New Series.

S. (or **So.**) **Dak.** South Dakota Reports.

S. D. A. Sudder Dewanny Adawlut Reports, India.

S. D. & B. Shaw, Dunlop & Bell's Scotch Court of Session Reports (1st Series).

S. D. & B. Sup. Shaw, Dunlop & Bell's Supplement, containing House of Lords Decisions.

S. (or **So.**) **Rep.** South Eastern Reporter.

S. F. A. Sudder Foujdaree Adawlut Reports, India.

S. Just. Shaw's Justiciary Cases, Scotland.

S. L. Solicitor at Law; Session Laws; Statute Law.

S. L. C. Smith's Leading Cases.

S. L. C. App. Stuart's Lower Canada Appeal Cases.

S. L. J. Scottish Law Journal, Edinburg.

S. L. R. Southern Law Review, St. Louis, Mo.; Scottish Law Reporter, Edinburg.

S. P. Same Point or Principle.

S. (or **So.**) **Rep.** Southern Reporter.

Digitized by Google

S. S. Synopsis Series of United States Treasury Decisions.

S. S. C. Sandford's New York City Superior Court Reports.

S. T. (or **St. Tri.**) State Trials.

S. Teind. Shaw's Teind Cases, Scotland.

S. V. A. R. Stuart's Vice-Admiralty Reports, Quebec.

S. W. Law. J. The Southwestern Law Journal and Reporter, Nashville, Tenn.

S. (or **So.**) **W. Rep.** Southwestern Reporter.

S. & B. Smith & Batty's Irish King's Bench Reports.

S. & C. Saunders & Cole's English Bail Court Reports.

S. & D. Shaw, Dunlop & Bell's Scotch Court of Session Reports (1st Series).

S. & H. Storer & Heard on Criminal Abortion.

S. & J. Scott & Jarnagin's Law of Telegraphs.

S. & L. Schoales & Lefroy's Irish Chancery Reports.

S. & M. Shaw & Maclean's Appeal Cases, House of Lords; Smedes & Marshall's Mississippi Reports.

S. & M. Chy. Smedes & Marshall's Mississippi Chancery Reports.

S. & R. Sergeant & Rawle's Pennsylvania Reports.

S. & R. Neg. Sherman & Redfield on the Law of Negligence.

S. & S. Sausse & Scully's Irish Rolls Court Reports; Simons & Stuart, English Vice-Chancellors' Reports.

S. & Sm. Searle & Smith's English Probate and Divorce Reports.

S. & T. Swabey & Tristram's English Probate and Divorce Reports.

Sal. Comp. Cr. Salaman's Composition with Creditors.

Salk. Salkeld's English King's Bench Reports.

Salm. Abr. Salmon's Abridgment of State Trials.

Salm. St. Tr. Salmon's edition of the State Trials.

Sam. Mil. L. Samuel on the Law Military.

San. Sanders; Sandford, see **Sand.**

San. Fr. L. B. San Francisco Law Bulletin.

San. Fr. L. J. San Francisco Law Journal.

San. Just. Sandars' edition of Justinian's Institutes.

Sand. Sandford's New York Superior Court Reports.

Sand. Chy. Sandford's New York Chancery Reports.

Sand. Elec. Sanders on Elections.

Sand. Ent. Sandford on Entails.

Sand. Eq. Sanders' Suit in Equity.

Sand. Essays. Sanders' Essays.

Sand. I. Rep. Sandwich Island (Hawaiian Reports).

Sand. U. & Tr. (or **San. U.**) Sanders' Uses and Trusts.

Sand. Val. of Pa. Stat. Sanderson's Validity of the Statutes in Pennsylvania.

Sand. War. Sanders on Warranties.

Digitized by Google

Sandf. Sandford's New York Superior Court Reports; Sandford's Reports (59 Alabama).

Sandf. Ch. Sandford's New York Chancery Reports.

Sandf. Ent. Sandford on Entails.

Sandf. Suc. (or **S. H. S.**) Sandford on Heritable Succession in Scotland.

Sandl. St. Pap. Sandler's State Papers.

Sans. Ins. Dig. Sansom's Digest of the Whole Law of Insurance.

Sar. Ch. Sen. Saratoga Chancery Sentinel.

Sau. & Sc. Sausse & Scully's Irish Rolls Court Reports.

Saund. Saunders' English King's Bench Reports.

Saund. Ass. Saunders on Assault and Battery.

Saund. Bank. Pr. Saunders' Bankruptcy Practice.

Saund. Bast. Saunders on Bastardy.

Saund. Mag. Pr. Saunders' Magistrates' Courts Practice.

Saund. Mil. L. Saunders on Military Law.

Saund. Mun. Reg. Saunders on Municipal Registration.

Saund. Neg. Saunders on the Law of Negligence.

Saund. Pl. & Ev. Saunders' Pleading and Evidence.

Saund. Prec. Saunders' Precedents of Indictments.

Saund. War. Saunders on Warranties.

Saund. & C. Saunders & Cole's English Bail Court Reports.

Saund. & Mac. Saunders & Macrae's English County Court Cases.

Sausse & Sc. Sausse & Scully's Irish Rolls Court Reports.

Sav. Savile's English Common Pleas Reports.

Sav. Conf. Law. Savigny on the Conflict of Law.

Sav. Dr. Rom. Savigny Droit Romaine.

Sav. Hist. Rom. L. Savigny's History of the Roman Law.

Sav. Obl. Savigny on Obligations.

Sav. Pos. Savigny on Possession.

Sav. Pr. Int. Law. Savigny's Private International Law.

Saw. (or **Sawy.**) Sawyer's United States Circuit Court Reports.

Sax. (or **Saxt.**) Saxton's New Jersey Chancery Reports.

Say. Sayer's English King's Bench Reports.

Say. Costs. Sayer on Costs.

Say. Dam. Sayer on Damages.

Say. Pr. Sayles' Practice in Texas.

Sc. Scilicet (that is to say); Scaccaria (Exchequer); Scott's Reports, English Common Pleas; Scotch; Scammon's Illinois Reports.

Sc. Costs. Scott on Costs.

Sc. Jur. Scottish Jurist.

Sc. L. J. Scottish Law Journal and Sheriff Court Record.

Sc. L. M. Scottish Law Magazine and Sheriff Court Reporter.

Digitized by Google

Sc. L. R. Scottish Law Reporter, Edinburg.

Sc. L. T. Scott's Law Times, Edinburg.

Sc. Sess. Cas. Scotch Court of Session Cases.

Sc. & Div. App. Scotch and Divorce Appeals (Law Reports).

Scac. Scaccaria Curia (Court of Exchequer).

Scam. Scammon's Reports (2-5 Illinois).

Scan. Mag. Scandalum Magnatum.

Sch. Aq. R. Schultes on Aquatic Rights.

Sch. Bailm. Schouler on Bailment.

Sch. Dom. Rel. Schouler on Domestic Relations.

Sch. H. & W. Schouler on Husband and Wife.

Sch. Per. Prop. Schouler on the Law of Personal Property.

Sch. & Lef. Schoales & Lefroy's Irish Chancery Reports.

Schalk. Schalk's Jamaica Reports.

Scheif. Pr. Scheiffer's Practice.

Schm. Civ. Law. Schmidt on the Civil Law of Spain and Mexico.

Schm. L. J. Schmidt's Law Journal, New Orleans.

Schoul. Schouler, see Sch.

Schuyl. Leg. Rec. Schuylkill Legal Record, Pottsville, Pa.

Sci. fa. Scire facias.

Sci. fa. ad dis. deb. Scire facias ad disprobandum debitum.

Scil. Scilicet (that is to say).

Sco. Scott's English Common Pleas Reports.

Sco. N. R. Scott's New Reports, English Common Pleas.

Sco. Costs. Scott on Costs.

Sco. Int. Scott's Intestate Laws.

Sco. Nat. Scott on Naturalization of Aliens.

Sco. & J. Tel. Scott & Jarnigan on the Law of Telegraphs.

Scot. Scotland; Scottish.

Scot. Jur. Scottish Jurist, Edinburg.

Scot. L. J. Scottish Law Journal and Sheriff Court Record.

Scot. L. M. Scottish Law Magazine and Sheriff Court Reporter.

Scot. L. R. Scottish Law Reporter, Edinburg.

Scr. L. T. Scranton Law Times, Pennsylvania.

Scrat. Bdg. Soc. Scratchley on Building and Land Societies.

Scrat. Life Ass. Scratchley on Life Assurance.

Scrat. & Bra. Scratchley & Brabrook on Building Societies.

Scrib. Dow. Scribner on the Law of Dower.

Scriv. Cop. Scriven on the Law of Copyholds.

Sea. (or Seab.) Vend. Seaborne on Vendors and Purchasers.

Seag. Parl. Reg. Seager on Parliamentary Registration.

Searle Dig. Searle's Minnesota Digest.

Digitized by Google

Searle & Sm. Searle & Smith's English Probate and Divorce Reports.

Seat. F. Ch. Seaton's Forms in Chancery.

Seb. Tr. M. Sebastian on Trade Marks.

Sec. Section; Secus (otherwise); Secundum.

Sec. Leg. Secundum Legem (according to law).

Sec. reg. Secundum regulam (according to rule).

Secd. pt. Edw. III. Part 3 of the Year Books.

Secd. pt. H. VI. Part 8 of the Year Books.

Secs. Sections.

Sect. Section.

Sedg. Dam. Sedgwick on the Measure of Damage.

Sedg. L. Cas. Sedgwick's Leading Cases on Damages.

Sedg. Stat. Law. Sedgwick on Statutory and Constitutional Law.

Sedg. & W. Tit. Sedgwick & Wait on the Trial of Title to Land.

Seign. Rep. Seigniorial Reports, Lower Canada.

Sel. Cas. Ch. Select Cases in Chancery (Part 3 of Cases in Chancery).

Sel. Cas. D. A. Select Cases (Sudder), Dewanny Adawlut, India.

Sel. Cas. Ev. Select Cases in Evidence (Strange).

Sel. Cas. N. F. Select Cases, Newfoundland.

Sel. Cas. N. W. P. Selected Cases, Northwest Provinces, India.

Sel. Cas. N. Y. Yates' Select Cases, New York.

Sel. Cas. t. Br. (Cooper's) Select Cases temp. Brougham.

Sel. Cas. t. King. Select Cases in Chancery temp. King.

Sel. Cas. t. Nap. (Drury's) Select Cases temp. Napier, Irish Chancery.

Sel. Cas. with Opin. Select Cases with Opinions, by a Solicitor.

Sel. Dec. Bomb. Selected Decisions, Sudder Dewanny Adawlut, Bombay.

Sel. Dec. Madr. Select Decrees, Sudr. Udawlut, Madras.

Sel. N. P. Selwyn's Law of Nisi Prius.

Sel. Pr. Sellon's Practice, King's Bench.

Seld. Selden's Reports (5-10 New York Court of Appeals).

Seld. Fl. Selden's Dissertation, annexed to Fleta.

Seld. J. Selden's Janus.

Seld. J. P. Selden's Judicature of Parliament.

Seld. Mar. Cl. Selden's Mare Clausum.

Seld. Notes. Selden's Notes, New York Court of Appeals.

Seld. Off. Ch. Selden's Office of Chancellor.

Seld. Tit. Hon. Selden's Titles of Honor.

Self. Tr. Selfridge's Trial.

Sell. Pr. Sellon's Practice in the King's Bench.

Digitized by Google

Selw. N. P. Selwyn's Nisi Prius.

Selw. & Barn. The First Part of Barnewall & Alderson's English K. B. Reports.

Sem. (or **Semb.**) Semble (it seems).

Serg. Att. Sergeant on Attachment.

Serg. Const. L. Sergeant's Constitutional Law.

Serg. L. L. Sergeant's Land Laws of Pennsylvania.

Serg. Mech. L. Sergeant on Mechanics' Lien Law.

Serg. & Lowb. Rep. English Common Law Reports, American reprint, edited by Sergeant & Lowber.

Serg. & Raw. Sergeant & Rawle's Pennsylvania Reports.

Sess. Cas. Sessions Cases (English King's Bench Reports); Scotch Court of Session Cases.

Sess. Pap. C. C. C. Session Papers, Central Criminal Court.

Sess. Pap. O. B. Session Papers, Old Bailey.

Seton. Dec. Seton's Forms of Decrees in Equity.

Sett. (or **Sett. & Rem.**) **Cas.** English Settlement and Removal Cases (Burrow's Settlement Cases).

Sev. H. C. Sevestre's High Court Reports, Bengal.

Sev. S. D. A. Sevestre's Sudder Dewanny Adawlut Reports, Bengal.

Sew. Cor. Sewell on the Law of Coroners.

Sew. Sh. Sewell on the Law of Sheriffs.

Sey. Merch. Sh. Seymour on Merchant Shipping.

Sh. Sheriff; Shower's English Parliamentary Cases; Shower's English King's Bench Reports; Shepley's Reports (13-18 and 21-30 Maine); Shaw's Scotch Appeal Cases; Shaw, &c., First Series Scotch Court of Session Cases; Shaw's Scotch Justiciary Cases; Shaw's Scotch Tiend Court Reports; G. B. Shaw's Reports (10, 11 Vermont); W. G. Shaw's Reports (30-35 Vermont); Shirley's Reports (49-55 New Hampshire); Sheldon's Buffalo (N. Y.) Superior Court Reports; Shepherd's Reports (19-21, 24-41, 49-51, 60, 63, 64 Alabama); Shipp's Reports (66, 67 North Carolina); Shand's Reports (11-14 South Carolina); Shadforth's Reserved Judgments, Victoria.

Sh. App. Shaw's Scotch Appeal Cases.

Sh. Crim. Cas. Shaw's Criminal Cases (Justiciary Court).

Sh. Dig. Shaw's Digest of Decisions, Scotland.

Sh. Jus. Shaw's Justiciary Cases, Scotland.

Sh. Lit. Shortt on Works of Literature.

Sh. W. & C. Shaw, Wilson & Courtenay's Scotch Appeals Reports (Wilson & Shaw's Reports).

Sh. & Dunl. Shaw & Dunlop's Scotch Court of Session Reports (1st Series).

Digitized by Google

Sh. & Macl. Shaw & Maclean's Scotch Appeal Cases.

Sh. & R. Neg. Shearman & Redfield on Negligence.

Shand. Shand's Reports (11-14 South Carolina, N. S.)

Shand Pr. Shand's Practice, Scotch Court of Session.

Shark. Elec. Sharkey's Handbook of Election Committees.

Sharp Cong. Ct. Sharp on Congregational Courts.

Sharp. Ins. Dig. Sharpstein's Insurance Digest.

Shars. Black. Sharswood's edition of Blackstone's Commentaries.

Shars. Comm. L. Sharswood's Commercial Law.

Shars. Law Lec. Sharswood's Lectures on the Profession of the Law.

Shars. Leg. Eth. Sharswood's Legal Ethics.

Shars. Tab. Cas. Sharswood's Connecticut Table of Cases.

Shaw. Shaw, Scotch Appeal Cases; Shaw, &c., 1st Series Scotch Court of Session Cases; Shaw's Scotch Justiciary Cases; Shaw's Scotch Tiend Reports; G. B. Shaw's Reports (10, 11 Vermont); W. G. Shaw's Reports (30-35 Vermont).

Shaw. Dec. Shaw's (&c.) Decisions in the Scotch Court of Session (1st series).

Shaw, Dunl. & B. Shaw, Dunlop & Bell's (1st Series) Scotch Session Cases.

Shaw Ell. Ins. Shaw's Ellis on Insurance.

Shaw (G. B.) G. B. Shaw's Reports (10, 11 Vermont).

Shaw H. L. Shaw's Scotch Appeal Cases, House of Lords.

Shaw Jus. Shaw's (John) Scotch Justiciary Cases.

Shaw P. L. Shaw's Parish Law.

Shaw (W. G.) W. G. Shaw's Reports (30-35 Vermont).

Shear. Bar Ex. Shearwood's Bar Examinations.

Shear. Cont. Shearwood's Outline of Contracts.

Shear. Pers. Pr. Shearwood on Personal Property.

Shear. R. Pr. Shearwood's Abridgment of Real Property Law.

Shear. St. G. Shearwood's Students' Guide to the Bar.

Shearm. & Red. Neg. Shearman & Redfield on Negligence.

Sheil Ir. Bar. Sheil's Sketches of the Irish Bar.

Shel. Sheldon, see Sheld.

Shel. Bank. Shelford on Bankruptcy and Insolvency.

Shel. High. Shelford on Highways.

Shel. J. St. Com. (or **Jt. St. Cos.**) Shelford on Joint-Stock Companies.

Shel. Lun. Shelford on the Law of Lunacy.

Shel. M. & D. Shelford on Marriage and Divorce.

Shel. Mort. Shelford on Mortmain, Charitable Uses, &c.

Shel. Prob. Shelford on Probate, Legacy, &c.

Digitized by Google

Shel. R. Pr. St. Shelford's Real Property Statutes.

Shel. Ry. Shelford on the Law of Railways.

Shel. Wills. Shelford on Wills.

Sheld. Sheldon's Reports, Superior Court of Buffalo, N. Y.

Sheld. Sub. Sheldon on Subrogation.

Shelf. Shelford (see Shel., above).

Shep. Shepley's Reports (13-18 and 21-30 Maine); Shepherd's Reports (19-21, 24-41, 60, 63, 64 Alabama).

Shep. Abr. Sheppard's Abridgment.

Shep. Act. Sheppard's Action on the Case.

Shep. Cas. Sheppard's Cases of Slander, &c.

Shep. Sel. Cas. Shepard's Select Cases, Alabama.

Shep. Prec. Sheppard's Precedent of Precedents.

Shep. Touch. Sheppard's Touchstone of Common Assurances.

Shepherd. Shepherd's Reports (19-21, 24-42, 60, 63, 64 Alabama).

Shepley. Shepley's Reports (13-18 and 21-30 Maine).

Sher. Ct. Rep. Sheriff Court Reports Scotland; Sheriff Court Reporter.

Sher. Mar. Ins. Sherman's Marine Insurance.

Sher. Pr. Sheridan's Practice, King's Bench.

Shipp. Shipp's Reports (66, 67 North Carolina.

Shir. Cr. L. Shirley's Sketch of the Criminal Law.

Shir. D. C. Ca. Shirley's Dartmouth College Case.

Shir. Eq. Pr. U. S. C. C. Shiras Equity Practice in United States Circuit Court.

Shir. L. C. Shirley's Leading Cases Made Easy.

Shir. Mag. L. Shirley on Magisterial Law.

Shirley. Shirley's Reports (49-55 New Hampshire).

Shortt Copy. Shortt's Law of Copyright.

Shortt Lit. Shortt on the Law of Literature and Art.

Show. Shower's Parliamentary Cases; Shower's K. B. Reports.

Show. K. B. Shower's English King's Bench Reports.

Show. P. C. Shower's English Parliamentary Cases.

Shr. Sui. Shrady on Suicide and Intemperance in Life Insurance.

Sick. Sickels' Reports (46-85 New York Court of Appeals).

Sick. Min. Dec. Sickels' Mining Laws and Decisions.

Sick. Op. Sickels' Opinions of the New York Attorneys-General.

Sid. Siderfin's English King's Bench Reports.

Sid. Gov. Sidney on Government.

Sill Comp. Sill on Composition in Bankruptcy.

Silv. App. Silvernail's New York Court of Appeals Reports.

Silv. Supr. Silvernail's New York Supreme Court Reports.

Digitized by Google

Sim. Simons' English Vice-Chancery Reports.

Sim. Ct. M. Simmons on Courts-Martial.

Sim. Des. Pat. Simond's Law of Design Patents.

Sim. Dig. Simmons' Wisconsin Digest.

Sim. Dig. Pat. Dec. Simond's Digest of Patent Office Decisions.

Sim. Elect. Simeon on Elections.

Sim. Int. Simons' Law of Interpleader.

Sim. N. S. Simon's English Vice-Chancery Reports, New Series.

Sim. Pat. L. Simond's Patent Law.

Sim. Ry. Acc. Simon's Law relating to Railway Accidents.

Sim. & Stu. (or **Sim. & S.**) Simons' & Stuart's English Vice-Chancery Reports.

Simp. Inf. Simpson on Infants.

Sinclair. Sinclair's Manuscript Decisions, Scotch Session Cases.

Sir T. J. Sir Thomas Jones' Reports.

Six Circ. Cases on the Six Circuits, Irish.

Skene. Sir John Skene's De Verborum Significatione.

Skid. Min. Skidmore's Mining Statutes.

Skill. Pol. Rep. Skillman's New York Police Reports.

Skin. Skinner's English King's Bench Reports.

Skinker. Skinker's Reports (65-72 Missouri).

Sl. St. Slade's Compilation of the Statutes of Vermont.

Slade. Slade's Reports (15 Vermont).

Sloan L. & T. Sloan on Landlord and Tenant (New York).

Sloan Leg. Reg. Sloan's Legal Register, New York.

Sm. Smith, see Smith.

Sm. Act. Smith's Action at Law.

Sm. Adm. Pr. Smith's Admiralty Practice.

Sm. C. C. M. Smith's Circuit Courts-Martial Reports, Maine.

Sm. Ch. Pr. Smith's Chancery Practice.

Sm. Com. L. Smith's Manual of Common Law.

Sm. Con. Smith on Contracts.

Sm. Cond. Ala. Smith's Condensed Alabama Reports.

Sm. Const. Cons. Smith on Constitutional and Statutory Construction.

Sm. Conv. Smith on Conveyancing.

Sm. Ecc. Cts. Smith on Ecclesiastical Courts.

Sm. Ed. Smith's Education for the English Bar.

Sm. El. Smith's Elements of Law.

Sm. Eq. Smith's (J. W.) Manual of Equity; Smith's Principles of Equity.

Sm. Ex. Int. Smith on Executory Interest.

Sm. For. Med. Smith's Forensic Medicine.

Sm. Forms. Smith's Forms of Procedure.

Sm. Homest. Smyth on Homesteads and Exemptions.

Digitized by Google

Sm. J. St. Comp. Smith on Joint-Stock Companies.

Sm. L. J. J. P. Smith's Law Journal, London.

Sm. L. C. Smith's Leading Cases.

Sm. L. Cas. Com. L. Smith's Leading Cases on Commercial Law.

Sm. L. & T. Smith's Landlord and Tenant.

Sm. Lawy. Smith's Lawyer and his Profession.

Sm. M. & S. Smith's (Charles Manly) Master and Servant.

Sm. Man. Eq. Smith Manual of Equity.

Sm. Merc. L. Smith on Mercantile Law.

Sm. Neg. Smith on Negligence.

Sm. Pat. Smith on Patents.

Sm. Poor L. Smith Scotch Poor Law.

Sm. Pr. Eq. Smith's Principles of Equity.

Sm. Prob. L. Smith's Probate Law and Practice.

Sm. R. & P. Prop. Smith on the Law of Real and Personal Property.

Sm. Stat. Law. Smith's Statute Law.

Sm. & B. R. R. Cas. Smith & Bates' American Railway Cases.

Sm. & Bat. Smith & Batty's Irish King's Bench Reports.

Sm. & G. Smale & Giffard's English Vice-Chancery Reports.

Sm. & M. Smedes & Marshall's Mississippi Reports.

Sm. & M. Ch. Smedes & Marshall's Mississippi Chancery Reports.

Sm. & Sod. L. & T. Smith & Soden on Landlord and Tenant.

Sma. & Giff. Smale & Giffard's English Vice-Chancellors' Reports.

Smed. & M. Smedes & Marshall's Mississippi Reports.

Smed. & M. Ch. Smedes & Marshall's Mississippi Chancery Reports.

Smi. & Bat. Smith & Batty's Irish King's Bench Reports.

Smith. Smith's New Hampshire Reports; J. P. Smith's English King's Bench Reports; P. F. Smith's Pennsylvania State Reports; E. P. Smith's Reports (15-27 New York Court of Appeals); E. D. Smith's New York Common Pleas Reports; Smith's Reports (54, 55 California); Smith's Reports, Indiana; Smith's Reports (61-64 Maine); Smith's Reports (1-11 Wisconsin); Smith's volume of Heiskell's Tennessee Reports; see also Sm.

Smith C. P. (or E. D.) E. D. Smith's Common Pleas Reports, New York.

Smith, E. P. (or Ct. App.) E. P. Smith's Reports (15-27 New York Court of Appeals).

Smith Ind. Smith's Indiana Reports.

Smith, J. P. J. P. Smith's English King's Bench Reports.

Smith Lead. Cas. Smith's Leading Cases.

Smith Me. Smith's Reports (61-64 Maine).

Digitized by Google

Smith Merc. L. Smith's Compendium of Mercantile Law.

Smith N. H. Smith's New Hampshire Reports.

Smith N. Y. Smith's Reports (15-27 New York Court of Appeals).

Smith, P. F. (or Pa.) P. F. Smith's Pennsylvania State Reports.

Smith Pat. Smith on the Law of Patents.

Smith Rec. Smith's Law of Receivers.

Smith Repar. Smith's Law of Reparation.

Smith Rules. Smith's Chancery Rules.

Smith Wis. Smith's Reports (1-11 Wisconsin).

Smith & B. R. R. C. Smith & Bates' American Railway Cases.

Smith & Bat. Smith & Batty's Irish King's Bench Reports.

Smoult. Notes of Cases in Smoult's Collection of Orders, Calcutta.

Smy. Smythe's Irish Common Pleas Reports.

Smy. Home. Smyth on the Law of Homestead and Exemptions.

Sn. & W. Ch. Snow & Winstanley's Chancery Practice.

Sneed. Sneed's Tennessee Reports; Sneed's Kentucky Decisions.

Sneed Dec. Sneed's Kentucky Decisions.

Snell. Eq. Snell's Principles of Equity.

Sny. Not. Man. Snyder's Notaries' and Commissioners' Manual.

Sny. Rel. Corp. Snyder on Religious Corporations.

So. Aus. L. R. South Australian Law Reports.

So. Car. South Carolina; South Carolina Reports.

So. Car. Const. South Carolina Constitutional Reports (by Treadway, by Mill, or by Harper).

So. Car. L. J. South Carolina Law Journal, Columbia.

So. L. J. Southern Law Journal and Reporter, Nashville, Tenn.

So. L. R. Southern Law Review, Nashville, Tenn.

So. L. R. N. S. Southern Law Review, New Series, St. Louis, Mo.

So. West. L. J. Southwestern Law Journal, Nashville, Tenn.

Sol. J. Solicitor's Journal, London.

Sol. J. & R. Solicitors' Journal and Reporter, London.

Somn. on Gav. Somner on Gavelkind.

South Aus. L. R. South Australia Law Reports.

South Car. South Carolina.

South. Law. J. Southern Law Journal, Tuscaloosa.

South. Law J. & Rep. Southern Law Journal and Reporter, Nashville.

South. Law Rev. Southern Law Review, St. Louis.

Digitized by Google

Southard. Southard's New Jersey Reports.

Southw. L. J. Southwestern Law Journal and Reporter.

Sp. Spinks' English Ecclesiastical and Admiralty Reports; Spear's South Carolina Law Reports.

Sp. A. Special Appeal.

Sp. Eq. (or **Ch.**) Spear's South Carolina Equity Reports.

Sp. Glos. Spelman's Glossary.

Sp. Laws. Spirit of the Laws, Montesquieu.

Sp. Pr. Cas. Spinks' Prize Cases.

Sp. T. Special Term.

Sp. & Sel. Cas. Special and Selected Law Cases.

Spald. Cop. Spalding on Copyright.

Sparks. Sparks' Reports, British Burmah.

Spaulding. Spaulding's Reports (71-73 Maine).

Spear (or Speer) Eq. Spear's (or Speer's) South Carolina Law Reports.

Spear (or **Speer**) **Eq.** Spear's (or Speer's) South Carolina Equity Reports.

Spear Ext. Spear's Law of Extradition.

Spear. High. Spearman on Highways.

Speer. See **Spear.**

Spel. Gl. Spelman's Glossary.

Spel. Feuds. Spelman on Feuds.

Spel. L. T. Spelman's Law Tracts.

Spel. Rep. Spelman's Reports, Manuscript, English King's Bench.

Spence Eq. Jur. Spence's Equitable Jurisdiction of the Court of Chancery.

Spence Cop. Spence on Copyrights of Designs.

Spence Or. L. Spence's Origin of Laws.

Spence Pat. Inv. Spence on Patentable Inventions.

Spencer. Spencer's New Jersey Reports; Spencer's Reports (10-20 Minnesota).

Spike M. & S. Spike on Master and Servant.

Spinks. Spinks' English Ecclesiastical and Admiralty Reports.

Spinks P. C. Spinks' English Prize Cases.

Spooner. Spooner's Reports, (12-15 Wisconsin).

Spottis. Sir R. Spottiswoode's Reports, Scotch Court of Session.

Spottis. C. L. & Eq. Rep. Common Law and Equity Reports, published by Spottiswoode.

Spottis. Pr. Spottiswoode's (Scotch) Practicks.

Spottis. St. Spottiswoode's Styles, Scotland.

Spr. Sprague's United States District Court (Admiralty) Decisions.

Spr. Int. L. Sprague on Internatonal Law.

SS. Scilicet. That is to say.

Digitized by Google

Squibb Auc. Squibb on Auctioneers.

St. State; Statute; Statutes-at-Large; Story's United States Circuit Court Reports, see Sto.; Stair's Scotch Court of Session Reports; Stuart (Milne & Peddie), Scotch Session Cases.

St. Abb. Statham's Abridgment.

St. Arm. Leg. Pow. St. Armand on the Legislative Power of England.

St. Cas. Stillingfleet's Ecclesiastical Cases, English.

St. Ch. Cas. Star Chamber Cases.

St. Eccl. Cas. Stillingfleet's Ecclesiastical Cases.

St. Ger. D. & S. St. Germain's Doctor and Student.

St. Inst. Stair's Institutes of the Law of Scotland.

St. M. & P. Stuart, Milne & Peddie's Scotch Session Cases.

St. P. State Papers.

St. Pl. Cr. Staundeforde's Pleas of the Crown.

St. Pr. Staundeforde's King's Prerogative.

St. Pr. Reg. Style's Practical Register.

St. Rep. State Reports; (New York) State Reporter.

St. Tr. The State Trials (English).

St. & H. Abor. Storer & Heard on Criminal Abortion.

Stair. Stair's Reports, Scotch Court of Session.

Stair Prin. Stair's Principles of the Laws of Scotland.

Stal. Elect. Stallman on Election and Satisfaction.

Stan. Dig. Stanton's Kentucky Digest.

Stanton. Stanton's Reports (11-13 Ohio).

Star. Starkie's English Nisi Prius Reports; see also Stark.

Star. Ch. Ca. Star Chamber Cases.

Stark. Starkie's English Nisi Prius Reports.

Stark. C. L. Starkie's Criminal Law.

Stark. Cr. Pl. Starkie's Criminal Pleading.

Stark. Ev. Starkie on Evidence.

Stark. Jury Tr. Starkie on Trial by Jury.

Stark. Lib. Starkie on Libel.

Stark. N. P. Starkie's English Nisi Prius Reports.

Stark. Sl. & L. Starkie on Slander and Libel.

Starl. I. Cr. Law. Starling's East India Criminal Law and Procedure.

Stat. An. Statistical Annals.

Stat. at L. United States Statutes at Large.

Stat. Glo. Statute of Gloucester

Stat. Marl. Statute of Marlbridge.

Stat. Mert. Statute of Merton.

Stat. Mod. Lev. Fin. Statute Modus Levandi Fines.

Digitized by Google

Stat. Westm. Statute of Westminster.

Stat. Winch. Statute of Winchester.

State Tr. The State Trials, English.

Statham. Abr. Statham's Abridgment.

Staunf. P. C. Staundeforde's Pleas of the Crown.

Staunf. Pr. Staundeforde's King's Prerogative.

Stearns R. A. Stearns on Real Actions.

Steer P. L. Steer's Parish Law.

Steph. C. L. Stephens on the Clergy.

Steph. Com. Stephens Commentaries on the Laws of England.

Steph. Const. Stephens on the English Constitution.

Steph. Cr. L. Stephens' General View of the Criminal Law.

Steph. Dig. Stephens' Digest. New Brunswick Reports.

Steph. Dig. Cr. L. Stephen's Digest of the Criminal Law.

Steph. Dig. Ev. Stephen's Digest of the Law of Evidence.

Steph. Elect. Stephens on Election.

Steph. Gen. View. Stephen's General View of the Criminal Law of England.

Steph. J. St. Comp. Stephen's Joint-Stock Companies in Canada.

Steph. N. P. Stephen's Law of Nisi Prius.

Steph. Pl. Stephen on Pleading.

Steph. Proc. Stephens on Procurations.

Steph. Slav. Stephens on Slavery.

Stev. Arb. Stevens on Arbitration.

Stev. Av. Stevens on Average.

Stev. & Ben. Ins. Stevens & Benecke on Insurance.

Stew. Stewart's Alabama Reports; Stewart's N. J. Equity Reports.

Stew. Adm. (or **V. A.**) Stewart's Vice-Admiralty Reports, Nova Scotia.

Stew. Ans. Stewart's Answer to Dirleton's Doubts.

Stew. Eq. Stewart's Reports (28-33 New Jersey Equity.)

Stew. & P. Stewart's & Porter's Alabama Reports.

Stiles. Stiles Reports (22-29 Iowa.)

Still. Ecc. Law. Stillingfleet's Discourses on Ecclesiastical Law.

Still. Eccl. Cas. Stillingfleet's Ecclesiastical Cases.

Stim. L. Gl. Stimson's Law Glossary.

Sto. Story's United States Circuit Court Reports.

Sto. Abr. Const. Story's Abridgment of the Constitution.

Sto. Ag. Story on Agency.

Sto. Att. Lien. Stokes on Liens of Attorneys.

Sto. Bailm. Story on Bailment.

Sto. Bills. Story on Bills.

Sto. C. C. Story's United States Circuit Court Reports.

Digitized by Google

Sto. Comm. Story's Commentaries.

Sto. Con. Story on Contracts.

Sto. Conf. Law. Story on the Conflict of Laws.

Sto. Const. Story on the United States Constitution.

Sto. Const. Cl. B. Story's Constitutional Class Book.

Sto. Cont. Story on Contracts.

Sto. Eq. Jur. Story on Equity Jurisprudence.

Sto. Eq. Pl. Story on Equity Pleadings.

Sto. Laws. Story's United States Laws.

Sto. Miscel. Writ. Story's Miscellaneous Writings.

Sto. Part. Story on Partnership.

Sto. Pl. Story's Civil Pleading.

Sto. Pr. Story on Prize Courts (edited by Platt.)

Sto. Pr. Notes. Story on Promissory Notes.

Sto. Sales. Story on Sales of Personal Property.

Sto. U. S. Laws. Story's United States Laws.

Sto. & H. Cr. Ab. Storer & Heard on Criminal Abortion.

Stock. Stockton's New Jersey Equity Reports.

Stock Non Com. Stock on Non Compotes Mentis.

Stockett. Stockett's Reports (27-53 Maryland).

Stockt. Ch. Stockton's New Jersey Chancery Reports.

Stokes L. of Att. Stokes on Liens of Attorneys.

Stone Ben. Bdg. Soc. Stone on Benefit Building Societies.

Stone Just Man. Stone's Justices' Manual.

Stone Just Pr. Stone's Justices' Practice.

Stor. & H. Abor. Storer & Heard on Criminal Abortion.

Story. Story's U. S. Circuit Court Reports; see also Sto., above.

Stov. Hors. Stovin's Law Respecting Horses.

Str. Strange's English King's Bench Reports.

Str. Cas. Ev. (or **Str 8vo.**) Strange's Cases of Evidence ("Octavo Strange").

Str. H. L. Strange's Hindu Law.

Str. N. C. Sir T. Strange's Notes of Cases, Madras.

Stra. Strange, see Str.

Strah. Domat. Strahan's Domat's Civil Law.

Stran. Strange, see Str.

Strick, Ev. Strickland on Evidence.

Stringfellow. Stringfellow's Reports (9-11 Missouri).

Strob. Strobhart's South Carolina Reports.

Strob. Eq. (or Ch). Strobhart's South Carolina Equity Reports.

Stroud Sl. Stroud on Slavery.

Stu. Adm. (or V. A.) Stuart's Vice-Admiralty Reports, Lower Canada.

Digitized by Google

Stu. Ap. Stuart's Appeal Cases (Lower Canada King's Bench Reports).

Stu. K. B. (or L. C.) Stuart's Lower Canada Reports.

Stu. Mil. & Ped. Stuart, Milne & Peddie's Scotch Court of Session Reports.

Stuart. Stuart's Lower Canada Reports; Stuart's Vice-Admiralty Reports; Stuart, Milne & Peddie's Scotch Session Cases.

Stud. Law Lex. Students' Pocket Law Lexicon.

Sturg. B. L. Sturgeon's Bankruptcy Law.

Sturg. Ins. D. Sturgeon on the Insolvent Debtors' Act.

Sty. Style's English King's Bench Reports.

Sty. Pr. Reg. Style's Practical Register.

Sud. Dew. Ad. Sudder Dewanny Adawlut Reports, India.

Sug. Est. Sugden on the Law of Estates.

Sug. Hd. Bk. Sugden's Hand-Book of Property Laws.

Sug. Pow. Sugden on Powers.

Sug. Pr. Sugden on the Law of Property.

Sug. Pr. St. Sugden on Property Statutes.

Sug. Vend. Sugden on Vendors and Purchasers.

Sugd. Sugden, see Sug.

Sull. Ld. Tit. Sullivan's Land Titles in Massachusetts.

Sull. Lect. Sullivan's Lectures on Feudal Law.

Sum. Sumner's United States Circuit Court Reports; Summa (the Summary of a Law).

Summ. Dec. Summary Decisions, Bengal.

Summ. N. P. Summary of the Law of Nisi Prius.

Sumn. Sumner's United States Circuit Court Reports.

Sumn. Ves. (or Sum. Ves.) Sumner's edition of Vesey's Reports.

Sup. Superior; Supreme; Superseded; Supplement.

Super. Superior.

Supp. Ves. Jun. Supplement to Vesey, Jr.'s Reports.

Supr. Supreme.

Supr. Ct. Repr. (United States) Supreme Court Reporter.

Suth. Sutherland's Reports.

Suth. F. B. R. Sutherland's Full Bench Rulings, Bengal.

Suth. P. C. J. (or A.) Sutherland's Privy Council Judgment (or Appeals).

Suth. W. R. Sutherland's Weekly Reporter, Calcutta.

Sw. Swanston's English Chancery Reports; Swabey's English Admiralty Reports; Sweeney's New York Superior Court Reports; Swan's Tennessee Reports; Swinton's Scotch Justiciary Cases; Swan; Sweet; Swift; Swinburne (see below).

Sw. (or Swab. & Tr.) Swabey & Tristram's English Probate and Divorce Reports.

Digitized by Google

Swab. Swabey's English Admiralty Reports.

Swab. Div. Swabey on Divorce and Matrimonial Causes.

Swan. Swan's Tennessee Reports; Swanston's English Chancery Reports.

Swan. Ch. Swanston's English Chancery Reports.

Swan Eccl. C. Swan on Ecclesiastical Courts.

Swan Just. Swan's Justice (Ohio).

Swan L. Ohio. Swan's Treatise on the Laws of Ohio.

Swan Pl. & Pr. Swan's Pleading and Practice (Ohio).

Swan Pr. Swan's Practice (Ohio).

Swans. (or **Swanst.**) Swanston's English Chancery Reports.

Sween. Sweeney's New York Superior Court Reports.

Sweet L. D. Sweet's Law Dictionary.

Sweet L. L. Sweet on the Limited Liability Act.

Sweet M. Sett. Cas. Sweet's Marriage Settlement Cases.

Sweet Pr. Conv. Sweet's Precedents in Conveyancing.

Sweet Wills. Sweet on Wills.

Swift Dig. Swift's Digest of Connecticut Laws.

Swift Ev. Swift on Evidence, and Bills and Notes.

Swift Sys. Swift's System of the Laws of Connecticut.

Swin. Swinton's Scotch Justiciary Reports.

Swin. Reg. App. Swinton's Scotch Registration Appeal Cases.

Swinb. Desc. Swinburne on Descents.

Swinb. Mar. Swinburne on Marriage.

Swinb. Spo. Swinburne on Spousals.

Swinb. Wills. Swinburne on Wills.

Swint. Swinton, see Swin.

Syd. App. Sydney on Appeals.

Syl. The Syllabi, St. Paul.

Sym Code. Sym's Code of English Law.

Syme. Syme's Scotch Justiciary Reports.

Syn. Ser. Synopsis Series of the United States Treasury Decisions.

T.

T. Tempore (in the time of); Territory; Title; Trinity; Term.

T. B. Mon. T. B. Monroe's Kentucky Reports.

T. Ev. Taylor on Evidence.

T. J. Tait's Justice of the Peace.

T. Jones (or 2 Jones). T. Jones' English King's Bench Reports.

T. L. Termes de la Ley.

T. R. Term Reports (Durnford & East); Teste Rege.

T. R. N. S. Term Reports, New Series (East's Reports).

Digitized by Google

T. R. (N. Y.) Caines' (Term) Reports, New York.

T. R. E. (or **T. E. R.**) Tempore Regis Edwardi.

T. Raym. Sir T. Raymond's English King's Bench Reports.

T. T. Trinity Term.

T. U. P. Charlt. T. U. P. Charlton's Reports, Georgia.

T. & C. Thompson & Cooke's New York Supreme Court Reports.

T. & G. Trywhitt & Granger's English Exchequer Reports.

T. & M. Temple & Mew's Crown Cases, English.

T. & P. Turner & Phillips' Reports, English Chancery.

T. & R. Turner & Russell's English Chancery Reports.

T. & S. Thomson & Steger's Tennessee Statutes.

T. & S. Pr. Tillinghast & Shearman's New York Practice and Pleading.

Tait. Tait's Manuscript Decisions, Scotch Session Cases.

Tait Ev. Tait on Evidence.

Tait Ind. Tait's Index to Scotch Session Cases.

Tait J. P. Tait's Justice of the Peace.

Tal. (or **Talb.**) Cases tempore Talbot, English Chancery.

Tam. Tamlyn's English Rolls Court Reports.

Taml. Ev. Tamlyn on Evidence in Chancery.

Taml. T. Y. Tamlyn on Terms for Years.

Tan. Taney's United States Circuit Court Reports.

Tanc. Q. W. Tancred on Quo Warranto.

Tanner. Tanner's Reports (8-14 Indiana).

Tap. Tappan's Ohio Reports.

Tap. C. M. Tapping's Copyholder's Manual.

Tap. Man. Tapping on the Writ of Mandamus.

Tapp M. & Ch. Tapp's Law of Maintenance and Champerty.

Tasch. Cr. Acts. Taschereau's Criminal Law Acts (Canada).

Tasw. Lang. Hist. Taswell-Langmead's Constitutional History of England.

Tate Dig. Ind. Tate's Virginia Analytical Digested Index.

Taun. (or **Taunt.**) Taunton's English Common Pleas Reports.

Tay. Taylor, see Taylor.

Tay. Bank. L. Taylor on the Bankruptcy Law.

Tay. Bk. R. Taylor's Book of Rights.

Tay. Civ. L. Taylor's Element of Civil Law.

Tay. Eq. Jur. Taylor on Equity Jurisprudence.

Tay. Ev. Taylor on the Law of Evidence.

Tay. Glos. Taylor's Law Glossary.

Tay. Gov. Taylor on Government.

Digitized by Google

Tay. (J. L.) J. L. Taylor's North Carolina Reports.

Tay. L. & T. Taylor's Landlord and Tenant.

Tay. L. Gl. Tayler's Law Glossary.

Tay. Med. Jur. Taylor's Manual of Medical Jurisprudence.

Tay. N. C. Taylor's North Carolina Reports.

Tay. Poi. Taylor on Poisons.

Tay. Pr. Tayler's Precedents of Wills.

Tay. Tit. Taylor on Titles.

Tay. U. C. Taylor's Upper Canada Reports.

Tay. Wills. Tayler's Precedents of Wills.

Tay. Wis. Stat. Taylor's Wisconsin Statutes.

Tay. & B. Taylor & Bell's Bengal Reports.

Taylor. Taylor's North Carolina Reports; Taylor's Upper Canada Reports; Taylor's Bengal Reports.

Taylor on Eng. Con. Taylor on the Origin and Growth of English Constitution.

Tel. The Telegram, London.

Tem. The Templar, London.

Temp. Tempore (in the time of).

Temp. Geo. II. Cases in Chancery tempore George II.

Temp. & M. Temple & Mew's English Crown Cases.

Tenn. Tennessee; Tennessee Reports (Overton's).

Tenn. Ch. Cooper's Tennessee Chancery Reports.

Tenn. Leg. Rep. Tennessee Legal Reporter, Nashville.

Ter. Territory.

Term. Term Reports, King's Bench (Dunford & East's Reports).

Term N. C. Term Reports, North Carolina, by Taylor.

Term. de la L. Les Termes de la Ley (Rastell?).

Terr. Territory; Terrell's Reports (52 Texas).

Terr. & Walk. Terrell & Walker's Reports (38-51 Texas).

Tex. Texas; Texas Reports.

Tex. App. Texas Court of Appeals Reports (Criminal Cases).

Tex. App. Civ. Texas Appeal Cases, Civil.

Tex. App. Crim. Texas Appeal Cases, Criminal.

Tex. L. J. Texas Law Journal, Tyler, Texas.

Th. Thomas, see Thom.; Thomson, see Thom.; Thompson, see Thomp.; Theobold, see Theo.

Th. (or Thes.) Br. Thesaurus Brevium.

Th. C. C. Thacher's Criminal Cases, Massachusetts.

Th. Ca. Const. Law. Thomas' Leading Cases in Constitutional Law.

Th. & C. Thompson & Cook's New York Supreme Court Reports.

Thac. Cr. Cas. Thacher's Massachusetts Criminal Cases.

Digitized by Google

Them. La Themis, Montreal, Quebec; The American Themis, N. Y.

Theo. Am. A. Theobald's Act for the Amendment of the Law.

Theo. Pr. & S. Theobald on Principal and Surety.

Theo. Pres. Pr. Theory of Presumptive Proof.

Theo. Wills. Theobald on Wills.

Thes. Brev. Thesaurus Brevium.

Tho. Thomas, see Thom.; Thomson, see Thom.; Thompson, see Thomp.

Thom. Thomson's Reports, Nova Scotia.

Thom. B. B. S. Thompson on Benefit Building Societies.

Thom. Bills (or **B. & N.**) Thomson on Bills (and Notes).

Thom. Co. Lit. Thomas' edition of Coke upon Littleton.

Thom. Const. L. (or **L. C.**) Thomas' Leading Cases on Constitutional Law.

Thom. Dec. 1 Thomson, Nova Scotia Reports.

Thom. Mort. Thomas on Mortgages.

Thom. Rep. 2 Thompson, Nova Scotia Reports.

Thom. Sc. Acts. Thomson's Scotch Acts.

Thom. Sel. Dec. Thomson's Select Decisions, Nova Scotia.

Thom. St. Sum. Thomas' Leading Statutes Summarized.

Thom. Un. Jur. Thomas on Universal Jurisprudence.

Thom. & Fr. Thomas & Franklin's Reports (1 Maryland Chancery).

Thomas. Thomas' Reports, Wyoming Territory.

Thomp. Cal. Thompson's Reports (39, 40 California).

Thomp. Car. Thompson on Carriers.

Thomp. Ch. Jur. Thompson on Charging the Jury.

Thomp. Ent. Thompson's Entries.

Thomp. Farm. Thompson's Law of the Farm.

Thomp. High. Thompson on the Law of Highways.

Thomp. H. & Ex. Thompson on Homesteads and Exemptions.

Thomp. Liab. Off. Thompson on Liability of Officers of Corporations.

Thomp. Liab. St. Thompson on Liability of Stockholders.

Thomp. N. B. Cas. Thompson's National Bank Cases.

Thomp. Neg. Thompson on Negligence.

Thomp. Pat. Thompson's Patent Laws of all Countries.

Thomp. Prov. Rem. Thompson's Provisional Remedies.

Thomp. Tenn. Cas. Thompson's "Unreported" Tennessee Cases.

Thomp. & C. Thompson & Cook's New York Supreme Court Reports.

Thomp. & M. Jur. Thompson & Merriam on Juries.

Digitized by Google

Thomp. & St. Thompson & Steeger's Tennessee Code.

Thompson. Thompson's Reports (39, 40 California).

Thoms Jud. Fac. Thom's Judicial Factors.

Thomson. Thomson's Nova Scotia Reports.

Thor. Bank. Thorborn on Bankers' Law.

Thorn. Thornton's Notes of Cases, Ecclesiastical and Maritime.

Thorn. Conv. Thornton's Conveyancing.

Thorpe Anc. L. Thorpe's Ancient Laws of England.

Thos. Thomas, see Thom.

Thos. Co. Lit. Thomas' edition of Coke's Littleton.

Thr. Hist. Tr. Thrupp's Historical Law Tracts.

Thr. Verb. Agr. Throop on the Validity of Verbal Agreements.

Thring J. St. Com. Thring on Joint-Stock Companies.

Thring L. D. Thring's Land Draining Act.

Tichb. Tr. Report of the Tichborne Trial, London.

Tidd App. Appendix to Tidd's Practice.

Tidd Co. Tidd's Costs.

Tidd Pr. Tidd's Practice.

Tif. Gov. Tiffany on Government and Constitutional Law.

Tif. & Bul. Tr. Tiffany & Bullard on Trusts and Trustees.

Tif. & Sm. Pr. Tiffany & Smith's New York Practice.

Tiffany. Tiffany's Report (28-39 New York Court of Appeals).

Til. Prec. Tillinghast's Precedents.

Til. & Sh. Pr. Tillinghast & Shearman's New York Practice.

Till. & Yates App. Tillinghast & Yates on Appeals.

Tils. St. L. Tilsley on the Stamp Laws.

Times L. R. (London) Times Law Reports.

Tit. Title; Tithe.

To. Jo. Sir Thomas Jones' English King's Bench Reports.

Tobey. Tobey's Reports (9-10 Rhode Island).

Toll. Ex. Toller on Executors.

Tom. Tomlin, see Toml.

Tom. Inst. Tomkin's Institutes of Roman Law.

Tom. & J. Comp. Tomkins & Jenckens' Compendium of Modern Roman Law.

Tom. & Lem. Gai. Tomkins & Lemon's Translation of Gaius.

Toml. (Cas.) Tomlin's Election Evidence Cases.

Toml. Cr. L. Tomlin's Criminal Law.

Toml. L. D. Tomlin's Law Dictionary.

Toml. Supp. Br. Tomlin's Supplement to Brown's Parliamentary Cases.

Tot. (or Toth.) Tothill's English Chancery Reports.

Digitized by Google

Touch. Sheppard's Touchstone.

Tourg. Dig. Tourgee's North Carolina Digest.

Towle Const. Towle's Analysis of the United States Constitution.

Town. Co. Townshend's Code.

Town. Com. Law. Townsend on Commercial Law.

Town. Jud. Townsend's Judgments.

Town. Pl. Townshend's Pleading.

Town. Pr. Townshend's Practice, New York.

Town. Pr. Pl. Townshend's Precedents of Pleading.

Town. Sl. & Lib. Townshend on Slander and Libel.

Town. St. Tr. Townsend's Modern State Trials.

Town. Sum. Proc. Townshend's Summary Landlord and Tenant Process.

Towns. Townshend, see Town.

Tr. Trial; Treatise; Transcript; Translated; Translation; Translator.

Tr. App. New York Transcript Appeals.

Tr. Ch. Transactions of the High Court of Chancery (Tothill's Reports).

Tr. Eq. Fonblanque's Treatise of Equity.

Tr. & H. Pr. Troubat & Haly's Pennsylvania Practice.

Tr. & H. Prec. Ind. Train & Heard's Precedents of Indictment.

Traill Med. Jur. Traill on Medical Jurisprudence.

Trans. App. Transcript Appeals, New York.

Trav. & Tw. L. of N. Travers & Twiss on Law of Nations.

Tray. Lat. Max. Trayner's Latin Maxims.

Tread. Treadway's South Carolina Constitutional Reports.

Treat. Tro. Treatise on Trover and Conversion.

Trem. P. C. Tremaine's Pleas of the Crown.

Trev. Tax. Suc. Trevor's Taxes on Succession.

Tri. Bish. Trial of the Seven Bishops.

Tri. E. of Cov. Trial of the Earl of Coventry.

Tri. per P. Trial per Pais.

Trin. Trinity Term.

Tris. Pr. Pr. Tristram's Contentious Probate Practice.

Tristram. Tristram's Supplement to 4 Swabey & Tristram.

Trop. Dr. Civ. Troplong, Droit Civil.

Troub. Lim. Part. Troubat on Limited Partnership.

Troub. & H. Pr. Troubat & Haly's Pennsylvania Practice.

Trow. D. & Cr. Trower on Debtor and Creditor.

Trow. Eq. Trower's Manual of the Prevalence of Equity.

Tru. Railw. Rep. Truman's American Railway Reports.

Digitized by Google

Trye. Trye's Jus Filizarii.

Tuck. Tucker's New York Surrogate Reports; Tucker's Select Cases, Newfoundland.

Tuck. Bl. Com. Tucker's Blackstone's Commentaries.

Tuck. Lect. Tucker's Lectures.

Tuck. Pl. Tucker's Pleadings.

Tuck. Sel. Cas. Tucker's Select Cases, Newfoundland.

Tud. Cas. Merc. Law. Tudor's Leading Cases on Mercantile Law.

Tud. Cas. R. P. Tudor's Leading Cases on Real Property.

Tud. Char. Tr. Tudor on Charitable Trusts.

Tupper. Tupper's Reports, Ontario Appeals; Tupper's Upper Canada Practice Reports.

Tur. (or Turn.) & Rus. Turner & Russell's English Chancery Reports.

Turn. Ch. Pr. Turner's Chancery Practice.

Turn. Cop. Turner on Copyright of Design.

Turn. Pat. Turner on Patents.

Turn. Pr. Turnbull's Practice, New York.

Turn. Qui. Tit. Turner on Quieting Titles.

Turner. Turner's Reports (35 Arkansas).

Tuttle. Tuttle's Reports (23-32 and 41-51 California).

Tuttle & Carpenter. Tuttle & Carpenter's Reports (52 California).

Tw. Nat. P. Twiss' Law of Nations at Peace.

Tw. Nat. W. Twiss' Law of Nations at War.

Ty. Territory; Tyler.

Tyl. Tyler's Vermont Reports.

Tyl. Boun. Tyler on Boundaries, Fences, etc.

Tyl. Eccl. L. Tyler's American Ecclesiastical Law.

Tyl. Eject. Tyler on Ejectment and Adverse Enjoyment.

Tyl. Fix. Tyler on Fixtures.

Tyl. Inf. Tyler on Infancy and Coverture.

Tyl. Part. Tyler on Partnership.

Tyl. St. Pl. Tyler's edition of Stephen on the Principles of Pleading.

Tyl. Us. Tyler on Usury, Pawns and Loans.

Tyler. Tyler's Vermont Reports.

Tyng. Tyng's Reports (2-17 Massachusetts).

Tyr. (or Tyrw.) Tyrwhitt's English Exchequer Reports.

Tyr. & Gr. Tyrwhitt's & Granger's English Exchequer Reports.

Tyt. Mil. L. (or C. M.) Tytler on Military Law and Courts-Martial.

Digitized by Google

U.

U. Utah; Utah Reports.

U. B. Upper Bench.

U. B. Pr. Upper Bench Precedents temp. Car. I.

U. C. Upper Canada.

U. C. C. P. Upper Canada Common Pleas Reports.

U. C. Ch. Upper Canada Chancery Reports.

U. C. Cham. Upper Canada Chambers Reports.

U. C. E. & A. Upper Canada Error and Appeal Reports.

U. C. K. B. Upper Canada King's Bench Reports, Old Series.

U. C. L. J. Upper Canada Law Journal, Toronto.

U. C. O. S. Upper Canada King's Bench Reports, Old Series.

U. C. Pr. (or **P. R.**) Upper Canada Practice Reports.

U. C. Q. B. Upper Canada Queen's Bench Reports.

U. C. Q. B. O. S. Upper Canada Queen's (King's) Bench Reports, Old Series.

U. K. United Kingdom.

U. S. United States; United States Reports.

U. S. App. United States Circuit Court of Appeals Reports.

U. S. C. C. United States Circuit Court; United States Court of Claims.

U. S. Compt. Dec. Decisions of the First Comptroller of the Treasury.

U. S. Const. Constitution of the United States.

U. S. Crim. Dig. Waterman's United States Criminal Digest.

U. S. Ct. Cl. Reports of the United States Court of Claims.

U. S. D. C. United States District Court.

U. S. Dig. United States Digest.

U. S. Eq. Dig. United States Equity Digest.

U. S. Jur. United States Jurist, Washington, D. C.

U. S. L. United States Laws.

U. S. Law Int. United States Law Intelligencer and Review, Providence and Philadelphia.

U. S. Law Jour. United States Law Journal, New Haven and New York.

U. S. Law Mag. United States Law Magazine, New York.

U. S. R. S. United States Revised Statutes.

U. S. Reg. United States Register, Philadelphia.

U. S. St. Tr. United States State Trials (Wharton's).

U. S. Stat. United States Statutes at Large.

U. S. Supr. Ct. Repr. United States Supreme Court Reporter.

Ulm. L. Rec. Ulman's Lawyer's Record, New York.

Ulp. Ulpiani Fragmenta.

Umfrev. Off. Cor. Umfreville's Office of Coroner.

Digitized by Google

Und. Art Cop. Underwood on Art Copyright.

Und. Ch. Pr. Underhill's Chancery Procedure.

Und. Conv. Underhill's Conveyancing.

Und. Crim. Ev. Underhill's Law of Criminal Evidence.

Und. Sher. Under-Sheriff.

Und. Torts. Underhill on Torts.

Und. Tr. Underhill on Trusts and Trustees.

Up. Ben. Pr. Upper Bench Precedents, temp. Car. I.

Up. Can. Upper Canada, see U. C.

Ups. Sto. Upshur's Review of Story on the Constitution.

Upt. Mar. W. Upton on Maritime Warfare and Prize.

Upt. Tr. Mar. Upton on Trade-Marks.

Url. Cl. Urling's Legal Guide for the Clergy.

Url. For. Pat. Urling on Foreign Patents.

Url. Trust. Urling on the Office of a Trustee.

Utah. Utah Reports.

V.

V. Versus (against); Vesey; see Ves.; Vermont; voce; Victoria; Victorian.

V. A. Vice-Admiralty.

V. C. Vice-Chancellor; Vice-Chancellor's Court.

V. C. C. Vice-Chancellor's Court.

V. D. Various Dates.

V. H. Eq. Dr. Van Heythuysen's Equity Draftsman.

V. L. R. Victorian Law Reports, Australia.

V. N. Van Ness' Prize Cases.

V. O. De Verborum Obligationibus.

V. R. Vermont Reports.

V. S. De Verborum Significatione; Van Santvoord.

V. Y. Various Years.

V. & B. Vesey & Beames' English Chancery Reports.

V. & S. Vernon & Scriven's Irish King's Bench Reports.

Va. Virginia; Virginia Reports; Gilmer's Virginia Reports.

Va. Cas. Virginia Cases (by Brockenbrough & Holmes).

Va. L. J. Virginia Law Journal, Richmond.

Va. R. Virginia Reports; Gilmer's Virginia Reports.

Val. Com. Valin's Commentaries.

Van der L. Vanderlinden's Laws of Holland.

Vanderstr. Vanderstraaten's Ceylon Reports.

Van Hey. Eq. Van Heythuysen's Equity Draftsman.

Van Hey. Mar. Ev. Van Heythuysen on Maritime Evidence.

Van Hey. Rud. Van Heythuysen's Rudiments of English Law.

Digitized by Google

Van K. Van Koughnet's Reports (15-21 Upper Canada C. P.)

Van N. Van Ness' Prize Cases.

Van Sant. Ch. J. Van Santvoord's Lives of the Chief Justices of the United States.

Van Sant. Eq. Pr. Van Santvoord's Equity Practice.

Van Sant. Pl. Van Santvoord's Pleadings.

Van Sant. Prec. Van Santvoord's Precedents.

Vatt. Vattel's Law of Nations.

Vaug. (or **Vaugh.**) Vaughan's English Common Pleas Reports.

Vaux. Vaux's Recorder's Decisions, Philadelphia.

Ve. (or **Vea.**) Vesey, see **Ves.**

Ve. (or **Vea.**) **& B.** Vesey & Beames' English Chancery Reports.

Veazey. Veazey's Reports (36-46 Vermont).

Vend. Ex. Venditioni Exponas.

Vent. Ventris' English Common Pleas Reports.

Ver. (or **Verm.**) Vermont Reports.

Vern. Vernon's English Chancery Reports.

Vern. & Scr. Vernon & Scriven's Irish King's Bench Reports.

Verpl. Cont. Verplanck on Contracts.

Verpl. Ev. Verplanck on Evidence.

Ves. Vesey, Senior's, English Chancery Reports.

Ves. Jr. Vesey, Junior's, English Chancery Reports.

Ves. Junn. Supp. Supplement to Vesey, Jr.'s, Reports, by Hovenden.

Ves. Sen. Vesey, Senior's, Chancery Reports.

Ves. & Bea. Vesey & Beames' English Chancery Reports.

Vet. Entr. (or **Int.**) Veteres Intrationes.

Vet. N. Br. The Old Natura Brevium.

Vez. Vezey's (Vesey's) English Chancery Reports, see **Ves.**

Vict. C. S. Victorian Consolidated Statutes.

Vict. L. R. Victorian Law Reports, Australia.

Vict. L. T. Victorian Law Times, Melbourne.

Vict. Rep. Victorian Reports.

Vict. St. Tr. Victorian State Trials.

Vid. Vidian's Entries.

Vil. & Br. Vilas & Bryant's edition of the Wisconsin Reports.

Vin. Abr. Viner's Abridgment.

Vin. Supp. Supplement to Viner's Abridgment.

Vinc. Cr. L. Vincent's Manual of Criminal Law.

Vinc. Cr. & Lib. Vincent on Criticism and Libel.

Vinn. Vinnius.

Vint. Can. Law. Vinton's American Canon Law.

Virch. P. M. Virchow on Post-Mortem Examinations.

Virg. Virginia, see **Va.**; **Virgin,** see below.

Digitized by Google

Virgin. Virgin's Reports (52-60 Maine); Virginia, see Va.

Viz. Videlicet (that is to say).

Viz. Pr. Vizard's Practice of the Court in Banc.

Von H. Const. Hist. Von Holst's Constitutional History of the United States.

Von Ihr. Str. for L. Von Ihring's Struggle for Law.

Voorh. Code. Voorhies' Code, New York.

Voorh. Cr. Jur. Voorhies' Criminal Jurisprudence of Louisiana.

Voorh. St. Voorhies' Louisiana Revised Statutes.

Vr. Vroom's New Jersey Reports.

Vs. Versus (against).

Vt. Vermont; Vermont Reports.

W.

W. King William; Wheaton's United States Supreme Court Reports; Wendell's New York Reports; Watts' Reports, Pennsylvania; Weekly; Wisconsin; Wyoming; Statute of Westminster.

W. A. Western Australia.

W. Bl. Sir William Blackstone's English King's Bench Reports.

W. C. C. Washington's United States Circuit Court Reports.

W. C. Rep. West Coast Reporter.

W. (or Wy.) Dig. Weekly Digest.

W. Ent. Winch's Book of Entries.

W. H. Chron. Westminster Hall Chronicle, London.

W. H. & G. Welsby, Hurlston & Gordon's English Exchequer Reports.

W. J. Western Jurist, Des Moines, Iowa.

W. Jo. Sir William Jones' English King's Bench Reports.

W. Kel. William Kelynge's English Chancery Reports.

W. L. Gaz. Western Law Gazette, Cincinnati, Ohio

W. L. Jour. Western Law Journal, Cincinnati, Ohio.

W. L. M. Western Law Monthly, Cleveland, O.

W. L. R. Washington Law Reporter, Washington, D. C.

W. N. Weekly Notes, London.

W. N. Cas. Weekly Notes of Cases, Philadelphia.

W. P. Cas. Wollaston's English Bail Court (Practice) Cases.

W. R. Weekly Reporter, London; Weekly Reporter, Bengal, Wendell's Reports; Wisconsin Reports; West's Reports (English Chancery).

W. R. Calc. Sutherland's Weekly Reporter, Calcutta.

W. Rep. West's Reports temp. Hardwicke, English Chancery.

W. Rob. W. Robinson's English Admiralty Reports.

W. T. R. Weekly Transcript Reports, New York.

Digitized by Google

W. Ten. Wright's Introduction to the Law of Tenures.

W. Ty. R. Washington Territory Reports.

W. Va. West Virginia Reports.

W. W. & D. Willmore, Wollaston & Davison's English Q. B. Reports.

W. W. & H. Willmore, Wollaston & Hodges English Q. B. Reports.

W. & B. Dig. Walker & Bates' Ohio Digest.

W. & C. Wilson & Courtenay's Scotch Appeal Cases, see Wilson & Shaw.

W. & L. Dig. Wood & Long's Illinois Digest.

W. & M. Woodbury & Minot's United States Circuit Court Reports; William & Mary.

W. & O. Wills. Wigram & O'Hara on Wills.

W. & S. Watts & Sergeant's Pennsylvania Reports; Wilson & Shaw's Scotch Appeal Cases.

W. & T. Eq. Ca. (or **L. C.**) White & Tudor's Leading Cases in Equity.

Wa. Watts' Reports, Pennsylvania; Wales.

Wad. Dig. Waddilove's Digest of Ecclesiastical Cases.

Wad. Mar. & Div. Waddilove on Marriage and Divorce.

Wade Min. Wade on American Mining Law.

Wade Not. Wade on the Law of Notice.

Wade Retro. L. Wade on Retroactive Laws.

Wag. Max. Wagner's Latin Law Maxims and Phrases.

Wag. Stat. Wagner's Missouri Statutes.

Wait Act. & Def. Wait's Actions and Defences.

Wait Co. Wait's New York Annotated Code.

Wait Dig. Wait's New York Digest.

Wait L. & P. Wait's Law and Practice in New York Justices' Courts.

Wait Pr. Wait's New York Practice.

Wait St. Pap. Wait's State Papers of the United States.

Wait Tab. Ca. Wait's New York Table of Cases.

Wal. Wallace, see Wall.

Wal. by L. Wallis' Irish Reports, by Lyne.

Wal. Prin. Wallace's Principles of the Scottish Law.

Walf. Cust. Walford on Customs.

Walf. Part. Walford on Parties to Actions.

Walf. Railw. Walford's Law of Railways.

Walk. Walker, see Walker.

Walk. Am. L. Walker's American Law.

Walk. Bank L. Walker on Banking Law.

Walk. Ch. Walker's Michigan Chancery Reports.

Walk. Com. L. Walker's Theory of the Common Law.

Digitized by Google

Walk. Eq. Pl. Walker's Equity Pleader's Assistant.

Walk. Exec. Walker on Executors and Administrators.

Walk. Int. Walker's Introduction to American Law.

Walk. La. Dig. Walker's Louisiana Digest.

Walk. Mich. Walker's Michigan Chancery Reports.

Walk. Miss. Walker's Mississippi Reports.

Walk. Wills. Walker on Wills.

Walker. Walker's Mississippi Reports; Walker's Michigan Chancery Reports; Walker's Reports (25 Texas).

Wall. Wallace's United States Supreme Court Reports; Wallace (Senior), United States Circuit Court Reports; (Wallace's) Philadelphia Reports; Wallis, Irish Chancery Reports.

Wall. Jr. Wallace's (J. W.) United States Circuit Court Reports.

Wall. Pr. Wallace's Principles of the Laws of Scotland.

Wall. Rep. Wallace on The Reporters; Wallace's United States Supreme Court Reports.

Wall. S. C. Wallace's United States Superior Court Reports.

Wall. Sen. Wallace's (J. B.) United States Circuit Court Reports.

Wallis by L. Wallis' Irish Chancery Reports, by Lyne.

Walp. Rub. Walpole's Rubric of Common Law.

Walsh. Walsh's Registry Cases, Ireland.

Walt. Lim. Walter on Limitations.

Wap. Pr. R. Waples on Proceedings in Rem.

War. Adv. Att. Warren's Adventures of an Attorney in Search of Practice.

War. Bell. Ward on Belligerent and Neutral Powers.

War. Cr. L. Warren's Ohio Criminal Law.

War. L. St. Warren's Law Studies.

War. Prof. Dut. Warren on Professional Duties.

Ward. Warden's Reports, see Warden.

Ward Just. Ward's Justice of the Peace.

Ward Leg. Ward on Legacies.

Ward Nat. Ward's Law of Nations.

Warden. Warden's Reports (2, 4 Ohio State).

Warden & Smith. Warden & Smith's Reports (3 Ohio State).

Ware. Ware's United States District Court Reports.

Warr. Warren, see War.

Wash. Washington; Washington's United States Circuit Court Reports; Washington's Virginia Reports; Washburn on Real Property; Washburn's Reports (16-23 Vermont).

Wash. C. C. Washington's United States Circuit Court Reports.

Digitized by Google

Wash. Cr. L. Washburn on Criminal Law.

Wash. Dig. Washburn's Vermont Digest.

Wash. Ease. Washburn on Easements and Servitudes.

Wash. Jur. Washington Jurist.

Wash. L. Rep. Washington Law Reporter, Washington, D. C.

Wash. Law Lect. Washburn on the Study and Practice of the Law.

Wash. R. P. Washburn on Real Property.

Wash. Ter. Washington Territory Reports.

Wash. Va. Washington's Virginia Reports.

Washburn. Washburn's Reports (16-23 Vermont).

Wat. Watkins, see Watk.; Watson, see Wats.

Wat. C. G. H. Watermeyer's Cape of Good Hope Reports.

Wat. Cr. Dig. Waterman's United States Criminal Digest.

Wat. Cr. Proc. Waterman's Criminal Procedure.

Wat. Just. Waterman's Justices' Manual.

Wat. Set-off. Waterman on the Law of Set-off.

Wat. Tres. Waterman on the Law of Trespass.

Watermeyer. Watermeyer's Cape of Good Hope Reports.

Watk. Con. Watkins on Conveyancing.

Watk. Cop. Watkins on Copyholds.

Watk. Des. Watkins on Descents.

Wats. Watson's Complete Incumbent.

Wats. Arb. Watson on Arbitration.

Wats. Cler. Law. Watson's Clergyman's Law.

Wats. Com. Man. Watson's United States Commissioners' Manual.

Wats. Comp. Eq. Watson's Compendium of Equity.

Wats. Const. Hist. Watson's Constitutional History of Canada.

Wats. Med. Jur. Watson's Medical Jurisprudence.

Wats. Part. Watson's Partnership.

Wats. Sher. Watson on the Office and Duty of Sheriff.

Watts. Watts' Penn. Reports; Watts' Reports (16, 17 West Virginia).

Watts & Serg. Watts & Sergeant's Pennsylvania Reports.

We. West; West's Precedents; West's English House of Lords Cases; West's Chancery Reports.

Web. Pat. Webster on Patents.

Web. Pat. Cas. Webster's Patent Cases.

Web. Tr. The Trial of Prof. Webster for Murder.

Webb. Webb's Reports (6-20 Kansas).

Webb Cr. Dig. Webb's Digest of Texas Criminal Cases.

Digitized by Google

Webb Jud. Act. Webb on the Judicature Act.

Webb Pl. & Pr. Webb's Kansas Pleading and Practice.

Webb Supr. Ct. Pr. Webb's (English) Supreme Court Practice.

Webb R. R. Webb's Railroad Laws of Maine.

Webb, A'B. & W. Webb, A'Beckett & Williams' Victorian Reports, Australia.

Webb, A'B. & W. Eq. Webb, A'Beckett & Williams' Equity Reports, Victoria.

Webb, A'B. & W. I. P. & M. Webb, A'Beckett & Williams Insolvency, Probate and Matrimonial Reports, Victoria.

Webb, A'B. & W. Min. Webb, A'Beckett & Williams' Mining Cases, Victoria.

Webb & Duval. Webb & Duval's Reports (1-3 Texas).

Wedg. Gov. & Laws. Wedgwood on American Government and Laws.

Wedg. & Hom. Wedgwood & Homans' Manual for Notaries and Bankers.

Week. Cin. L. B. Weekly Cincinnati Law Bulletin.

Week. Dig. Weekly Digest, New York.

Week. Jur. Weekly Jurist, Bloomington, Ill.

Week. L. Gaz. Weekly Law Gazette, Cincinnati.

Week. L. Rev. Weekly Law Review, San Francisco, Cal.

Week. No. Weekly Notes of Cases, London.

Week. No. Cas. Weekly Notes of Cases, Philadelphia.

Week. Reptr. Weekly Reporter, London; Weekly Reporter, Bengal.

Week. Trans. Repts. Weekly Transcript Reports, New York.

Weeks Att. at Law. Weeks on Attorneys at Law.

Weeks D. A. Inj. Weeks' Damnum Absque Injuria.

Weeks Dep. Weeks on Depositions.

Weeks Min. Weeks on Mines and Mineral Law.

Weeks Min. Leg. Weeks, The Mining Legislation of Congress.

Weight, M. & L. Weightman on Marriage and Legitimacy.

Weight. Med. Leg. Gaz. Weightman's Medico-Legal Gazette, London.

Wel. Welsh's Irish Registry Cases.

Welf. Eq. (or Eq. Pl.) Welford on Equity Pleading.

Well. High. Wellbeloved on Highways.

Wells Inst. Juries. Wells on Instruction to Juries and Bills of Exception.

Wells Jur. Wells on the Jurisdiction of Courts.

Wells L. & F. Wells' Questions of Law and Fact.

Wells Mar. Wom. Wells on the Separate Property of Married Women.

Wells Rep. Wells on Replevin.

Digitized by Google

Wells Res Ad. Wells' Res Adjudicata and Stare Decisis.

Wellw. Abr. Wellwood's Abridgment of Sea Laws.

Welsb. H. & G. Welsby, Hurlstone & Gordon, English Exchequer Reports.

Welsh. Welsh's Registry Cases, Ireland; Welsh's Irish Cases at Sligo, 1838; Welsh's (Irish) Case of James Feighny, 1838.

Welsh, N. Y. Welsh's Weekly Reports, New York Supreme Court.

Wend. Wendell's New York Reports.

Wend. Bl. Wendell's Blackstone.

Wendt Mar. Leg. Wendt on Maritime Legislation.

Went. Ex. Wentworth's Executors.

Went. Off. Exr. Wentworth's Office of Executor.

Went. Pl. Wentworth's Pleading.

Weak. Ins. Weskett on the Law of Insurance.

West. West's Reports, English House of Lords; West Reports, English Chancery; Western's Tithe Cases; Weston's Reports (11-14 Vermont).

West. Aus. Western Australia.

West Chy. West's English Chancery Reports.

West. Com. Western's Commentaries on the Laws of England.

West Ext. West on Extents.

West t. H. West's English Chancery Reports temp. Hardwicke.

West H. L. West's Reports, English House of Lords.

West. Jur. Western Jurist, Des Moines, Iowa.

West. L. J. Western Law Journal, Cincinnati, Ohio.

West. L. Mo. Western Law Monthly, Cleveland, Ohio.

West. Leg. Obs. Western Legal Observer, Quincy, Ill.

West Pat. West on Patents.

West. Pr. Int. Law. Westlake's Private International Law.

West. Rep. Western Reporter.

West Symb. West's Symboleographie.

West. Ti. Cas. Western's Tithe Cases.

West Va. West Virginia; West Virginia Reports.

Westl. Confl. Westlake's Conflict of Laws.

Westm. Statute of Westminster.

Weston. Weston's Reports (12-14 Vermont).

Wh. Wheaton's United States Supreme Court Reports; Wheaton's International Law; Wharton's Pennsylvania Reports; Wheeler's New York Criminal Reports.

Wh. Cr. Cas. Wheeler's New York Criminal Cases.

Wh. Gr. Whewell's edition of Grotius de Jure Belli ac Pacis.

Wh. & T. L. C. White & Tudor's Leading Cases in Equity.

Whar. Wharton's Pennsylvania Reports.

Digitized by Google

Whar. Ag. Wharton on Agency.

Whar. Am. Cr. L. Wharton's American Criminal Law.

Whar. Confl. Law. Wharton's Conflict of Laws.

Whar. Conv. Wharton's Principles of Conveyancing.

Whar. Cr. Ev. Wharton on Criminal Evidence.

Whar. Cr. Law. Wharton's American Criminal Law.

Whar. Cr. Pl. Wharton's Criminal Pleading and Practice.

Whar. Dig. Wharton's Pennsylvania Digest.

Whar. Dom. Wharton on the Law of Domicile.

Whar. Ev. Wharton on Evidence in Civil Issues.

Whar. Hom. Wharton's Law of Homicide.

Whar. Ind. Wharton's Precedents of Indictments.

Whar. Innk. Wharton on the Law of Innkeepers.

Whar. Law. Dic. Wharton's Law Dictionary (or Law Lexicon).

Whar. Leg. Max. Wharton's Legal Maxims.

Whar. Neg. Wharton's Law of Negligence.

Whar. Prec. Ind. Wharton's Precedents of Indictments and Pleas.

Whar. St. Tr. Wharton's United States State Trials.

Whar. & St. Med. Jur. Wharton & Stille's Medical Jurisprudence.

Whart. Wharton, see Whar.

Wheat. Wheaton's United States Supreme Court Reports.

Wheat. Cap. Wheaton on Maritime Captures and Prizes.

Wheat. Int. Law. Wheaton's International Law.

Wheat. Law of Nat. Wheaton's History of the Law of Nations.

Wheel. Wheeler's New York Criminal Cases; Wheelock's Reports (32-37 Texas).

Wheel. Abr. Wheeler's Abridgment of American Common Law.

Wheel. Br. Cas. Wheeling Bridge Case.

Wheel. Cr. C. Wheeler's New York Criminal Cases.

Wheel. Cr. Rec. Wheeler's Criminal Recorder. New York (1 Wheeler's Criminal Cases).

Wheel. Slav. Wheeler on Slavery.

Whew. Gro. Whewell's edition of Grotius de Jure Belli ac Pacis.

Whish. L. D. Whishaw's Law Dictionary.

Whit. Eq. Pr. Whitworth's Equity Precedents.

Whit. Lien. Whitaker on Liens.

Whit. Pat. Whitman's Patent Laws of all Countries.

Whit. Pat. Cas. Whitman's Patent Cases, United States.

Whit. St. Tr. Whitaker on Stoppage in Transitu.

White. White's Reports (10-15 West Virginia).

White. Char. Whiteford on Charities.

Digitized by Google

White Just. White's (Scotch) Justiciary Reports.

White L. L. White's Land Law of California.

White New Coll. White's New Collection of the Laws, etc., of Great Britain, France and Spain.

White Rec. White's Recopilacion (Land Laws of Spain and Mexico).

White Suppl. White on Supplement and Revivor.

White W. & M. Whiteley on Weights and Measures.

White & T. L. Cas. White & Tudor's Leading Cases in Equity.

Whitm. Adopt. Whitmore on Adoption of Children.

Whitm. B. L. Whitmarsh's Bankrupt Law.

Whitm. Lib. Cas. Whitman's Massachusetts Libel Cases.

Whitm. Pat. Cas. Whitman's Patent Cases.

Whitm. Pat. Law. Whitman's Patent Laws.

Whitm. Pat. Law Rev. Whitman's Patent Law Review, Washington, D. C.

Whitt. Pl. Whittaker's Practice and Pleading, New York.

Whittlesey. Whittlesey's Reports (32-41 Missouri).

Wig. Wigram on Wills.

Wig. Disc. Wigram on Discovery.

Wig. Ev. Wigram on Extrinsic Evidence.

Wight El. Cas. Wight's Election Cases (Scotch).

Wight. (or **Wightw.**) Wightwick's English Exchequer Reports.

Wil. Williams, see Will.; Wilson, see Wils.

Wilb. Stat. Wilberforce on Statute Law.

Wilc. Cond. Rep. Wilcox's Condensed Reports, Ohio.

Wilc. Mun. Corp. Wilcox on Municipal Corporations, Ohio.

Wilcox. Wilcox's Reports (10 Ohio).

Wilde Sup. (or **Conv.**) Wilde's Supplement to Barton's Conveyancing.

Wildm. Int. L. Wildman's International Law.

Wildm. Search. Wildman on Search, Capture and Prize.

Wilk. Funds. Wilkinson on the Law relating to Public Funds.

Wilk. Leg. Ang. Sax. Wilkin's Leges Anglo-Saxonicæ Ecclesiasticæ et Civiles.

Wilk. Lim. Wilkinson on Limitations of Actions.

Wilk. Prec. Wilkinson's Precedents in Conveyancing.

Wilk. Repl. Wilkinson on Replevin.

Wilk. Sh. Wilkinson's Office of Sheriff.

Wilk. Ship. Wilkinson on Shipping.

Wilk. & Ow. Wilkinson, Owen, Patterson & Murray's "New South Wales Reports."

Digitized by Google

Will. Willes' English Common Pleas Reports.

Will. Abr. Williams' Abridgment of English Law.

Will. Ann. Reg. Williams' Annual Register, New York.

Will. Auct. Williams on Auctions.

Will.-Bund St. Tr. Willis-Bund's Cases from the State Trials.

Will. Bankt. Williams on the Law and Practice of Bankruptcy.

Will. Com. Williams on Rights of Common.

Will. Cr. L. Willan's Criminal Law of Canada.

Will. Eq. Jur. Willard's Equity Jurisprudence.

Will. Eq. Pl. Willis' Equity Pleading.

Will. Ex. Williams on Executors; Willard on Executors.

Will. Just. Williams' Justice.

Will. L. D. Williams' Law Dictionary.

Will. Mass. Williams' Reports (1 Massachusetts).

Will. Mass. Cit. Williams' Massachusetts Citations.

Will. P. Peere Williams' English Chancery Reports.

Will. Per. Pr. Williams on Personal Property.

Will. Pet. Ch. Williams on Petitions in Chancery.

Will. Real As. Williams on Real Assets.

Will. Real Est. Willard on Real Estate and Conveyancing.

Will. Real Pr. Williams on Real Property.

Will. Saund. Williams' Notes to Saunders' Reports.

Will. Seis. Williams on Seisin.

Will. Sett. Williams on the Settlement of Real Estates.

Will. St. L. Williams on the Study of the Law.

Will. Woll. & Dav. Willmore, Wollaston & Davidson's English Q. B. Reports.

Will. Woll. & Hodg. Willmore, Wollaston & Hodges' English Q. B. Reports.

Will. Vt. Williams' Reports (27-29 Vermont).

Will. & Br. Adm. Jur. Williams & Bruce on Admiralty Practice.

Willc. Const. Willcock on Constables.

Willc. Med. Pr. Willcock on Laws relating to Medical Profession.

Willc. Mun. Corp. Willcock's Municipal Corporations.

Willes. Willes' English Common Pleas Reports.

Williams. Williams' (Peere) English Chancery Reports; William's Reports (27-29 Vermont); William's Reports (1 Mass).

Williams P. Peere Williams' English Chancery Reports.

Willis Eq. Willis on Equity Pleadings.

Willis Int. Willis on Interrogatories.

Willis Trust. Willis on Trustees.

Digitized by Google

Willm. W. & D. Willmore, Wollaston & Davidson's English Q. B. Reports.

Wilm. W. & H. Willmore, Wollaston & Hodges' English Q. B. Reports.

Wills Circ. Ev. Wills on Circumstantial Evidence.

Wilm. Wilmot's Notes of Opinions, English King's Bench.

Wilm. Burg. Wilmot's Digest of the Law of Burglary.

Wilm. Mort. Wilmot on Mortgages.

Wilm. Op. (or Judg.) Wilmot's Notes of Opinions.

Wils. Wilson's English Common Pleas Reports.

Wils. Arb. Wilson on Arbitrations.

Wils. Ch. Wilson's English Chancery Reports.

Wils. Ent. Wilson's Entries and Pleadings, same as 3 Lord Raymond.

Wils. Exch. Wilson's English Exchequer Reports.

Wils. Fines. Wilson on Fines and Recoveries.

Wils. (Ind.) Wilson's Indiana Superior Court Reports.

Wils. Jud. Acts. Wilson on the Judicature Acts, &c.

Wils. K. B. Sergeant Wilson's English King's Bench Reports.

Wils. Mod. Eng. Law. Wilson's History of Modern English Law.

Wils. Parl. L. Wilson's Parliamentary Law.

Wils. Uses. Wilson on Springing Uses.

Wils. & Court. Wilson & Courtenay's Scotch Appeals Cases, see Wilson & Shaw.

Wils. & Sh. Wilson & Shaw's Scotch Appeals Cases.

Wilson. Wilson's English Common Pleas Reports. Wilson's English Chancery Reports; Wilson's English Exchequer Equity Reports; Wilson's Indiana Superior Court Reports; Wilson's Reports (1, 2 Oregon).

Win. Winston's Law Reports, North Carolina; Winch's English Common Pleas Reports.

Win. Ent. Winch's Entries.

Win. Eq. Winston's Equity Reports, North Carolina.

Win. Max. Wingate's Maxims.

Winch. Winch's English Common Pleas Reports.

Wins. Ins. Winslow on the Plea of Insanity in Criminal Cases.

Winst. Winston's Law or Equity Reports, North Carolina.

Wis. Wisconsin; Wisconsin Reports.

Wis. Leg. N. Wisconsin Legal News, Milwaukee.

Wisb. Laws of Wisbuy.

With. Corp. Cas. Withrow's American Corporation Cases.

Withrow. Withrow's Reports (9-21 Iowa).

Wm. Bl. William Blackstone's English King's Bench Reports.

Wm. Rob. William Robinson's English Admiralty Reports.

Digitized by Google

Wms. Williams, see Will.

Wms. Mass. Williams' Reports (1 Massachusetts).

Wms. Peere. Peere Williams' English Chancery Reports.

Wms. Vt. Williams' Reports (27-29 Vermont).

Wol. Wollaston's English Bail Court Reports.

Wolf. & B. Wolferstan & Bristow's English Election Cases.

Wolf. & D. Wolferstan & Dew's English Election Cases.

Woll. (or **Woll. P. C.**) Wollaston's English Bail Court Reports (Practice Cases).

Wood. Woods' United States Circuit Court Reports; Wood's English Tithe Cases.

Wood Civ. L. Wood's Institutes of the Civil Law.

Wood Com. L. Wood's Institutes of the Common Law.

Wood Conv. Wood on Conveyancing.

Wood Decr. Wood's (Decrees in) Tithe Cases.

Wood. El. Jur. Wooddeson's Elements of Jurisprudence.

Wood Fire Ins. Wood on Fire Insurance.

Wood H. Hutton Wood's Decrees in Tithe Cases.

Wood Inst. Eng. L. Wood's Institutes of English Law.

Wood Land. & T. Wood on Landlord and Tenant.

Wood. Lect. Wooddeson's Lectures on Laws of England.

Wood Lim. Wood on Limitation of Actions.

Wood Man. Wood on Mandamus.

Wood Mas. & S. Wood on the Law of Master and Servant.

Wood Mayne Dam. Wood's Mayne on Damages.

Wood Nuis. Wood on Nuisances.

Wood Ti. Cas. Wood's Tithe Cases.

Wood Tr. M. Wood on Trade-Marks.

Wood & M. (or **Woodb. & M.**) Woodbury & Minot's United States Circuit Court Reports.

Woodf. Cel. Tr. Woodfall's Celebrated Trials.

Woodf. L. & T. Woodfall's Landlord and Tenant.

Woodf. Parl. Deb. Woodfall's Parliamentary Debates.

Woodm. Cr. Cas. Woodman's Reports of Thacher's Criminal Cases, Massachusetts.

Woodm. & T. For. Med. Woodman & Tidy on Forensic Medicine.

Woods (or **Woods C. C.**) Woods' United States Circuit Court Reports.

Wood's Inst. Civ. L. Wood's Institutes of the Civil Law.

Wood's Inst. Com. L. Wood's Institutes of the (Common) Laws of England.

Wool. Woolworth's United States Circuit Court Reports; Woolrych, see Woolr.

Wool. Int. Woolsey's Introduction to International Law.

Digitized by Google

Woolf Adult. Woolf on the Law of Adulteration.

Woolr. Cert. Woolrych on Certificates.

Woolr. Com. Woolrych on Commons.

Woolr. Cr. L. Woolrych's Criminal Law.

Woolr. L. W. Woolrych's Law of Waters.

Woolr. P. W. Woolrych on Party Walls.

Woolr. Sew. Woolrych on Sewers.

Woolr. Wind. L. Woolrych on the Law of Window Lights.

Woolr. Waters. Woolrych on the Laws of Waters.

Woolr. Ways. Woolrych on Ways.

Wools. Div. Woolsey on Divorce.

Wools. Int. L. Woolsey's Introduction to International Law.

Woolw. Woolworth's United States Circuit Court Reports; Woolworth's Reports (1 Nebraska).

Wor. Bib. Leg. Worrall's Bibliotheca Legum.

Words. Elect. Wordsworth's Law of Elections.

Words. Elect. Cas. Wordsworth's Election Cases.

Words. J. S. Wordsworth's Law of Joint Stock Companies.

Words. Min. Wordsworth's Law of Mining.

Words. Pat. Wordsworth's Law of Patents.

Words. Ry. & C. Wordsworth's Railway and Canal Companies.

Worth. Jur. Worthington on the Powers of Juries.

Worth. Prec. Wills. Worthington's General Precedents for Wills.

Wott. Leg. Wal. Wotton, Leges Wallicæ.

Wr. Wright, see Wright.

Wright. Wright's Reports (37-50 Pennsylvania State); Wright's Ohio Reports.

Wright Cr. Cons. Wright on Criminal Conspiracies.

Wright Fr. Soc. Wright on Friendly Societies.

Wright N. P. Wright's Nisi Prius Reports, Ohio.

Wright St. L. Wright's Advice on the Study of the Law.

Wright. Ten. Wright's Introduction to the Law of Tenures.

Wy. Wyoming; Wyoming Reports; Wythe's Virginia Chancery Reports.

Wy. (or Wyo.) Wyoming Reports.

Wy. Dick. Wyatt's Dickens' Chancery Reports.

Wyatt Pr. R. Wyatt's Practical Register in Chancery.

Wyatt, W. & A'B. Wyatt, Webb & A'Beckett's Reports, Victoria.

Wyatt, W. & A'B. Eq. Wyatt, Webb & A'Beckett's Equity Reports, Victoria.

Wyatt, W. & A'B. I. P. & M. Wyatt, Webb & A'Beckett's Insolvency, Probate, and Matrimonial Reports, Victoria.

Wyatt. W. & A'B. Min. Wyatt, Webb & A'Beckett's Mining Cases, Victoria.

Digitized by Google

Wyatt & Webb. Wyatt & Webb's Reports, Victoria.

Wyatt & W. Eq. Wyatt & Webb's Equity Reports, Victoria.

Wyatt & W. I. P. & M. Wyatt & Webb's Insolvency, Probate, and Matrimonial Reports, Victoria.

Wyatt & W. Min. Wyatt & Webb's Mining Cases, Victoria.

Wyman. Wyman's Reports, India.

Wynne Bov. Wynne's Bovill's Patent Cases.

Wythe. Wythe's Virginia Chancery Reports.

X.

X. 1, 9, 6, 4. Book I., Title 9, Chapter 6, Paragraph 4 of the Decretals of Pope Gregory IX.

Y.

Y. Year; Yeates' Pennsylvania Reports.

Y. B. Year Books, English King's Bench, &c.

Part 1	cited as	E. 2.	Reports in the reign of Edward II.	Maynard's Edward II.
Parts 2, 3, 4	"	1 E. 3.	Reports in the reign of Edward III. (3 parts)	First part of Edw. III. Second part of Edw. III. Third part of Edw. III. (or Quadragesms).
Part 5	"	1 Ass.	Book of Assizes in the reign of Edward III.	Liber Assissorum.
Part 6	"	1 H. 4. 1 H. 5.	Reports in the reigns of Henry IV. and V.	Year Book of H. IV.
Parts 7 and 8	"	1 H. 6.	Reports in the reign of Henry VI. (2 vols.)	First part of H. VI. Second part of H. VI.
Part 9	"	1 E. 4.	Reports in the reign of Edward IV.	Year Book of Edw. IV.
Part 10	"	5 E. 4.	Reports in the 5th year of Edw. IV.	Longo Quinto.
Part 11	"	1 E. 5. 1 R. 3. 1 H. 7. 1 H. 8.	Reports in the reigns of Edward V., Richard III., and Henry VII. and VIII.	Year Books of Edw. V., Rich. III., H. VII. & H. VIII.

Y. B. Ed. I. Year Books of Edward I.

Y. B. S. C. Year Books, Selected Cases, 1.

Y. & C. Younge & Collyer's English Chancery Reports.

Y. & J. Younge & Jervis' English Exchequer Reports.

Yale Mines. Yale on Legal Titles to Mining Claims and Water Rights.

Yates Plead. Yates' Pleadings.

Yates Sel. Cas. Yates' New York Select Cases.

Yea. (or **Yeates**). Yeates' Pennsylvania Reports.

Yel. (or **Yelv.**) Yelverton's English King's Bench Reports.

Yerg. Yerger Tennessee Reports.

Yo. Young, see You.

Yool Waste. Yool on Waste, Trespass and Nuisance.

Yorke Ass. Clayton's Reports (Yorke Assises.).

You. Younge's English Exchequer Equity Reports.

You. & Coll. Ch. Young & Collyer's English Chancery Reports.

Digitized by Google

You. & Coll. Ex. Younge & Collyer's English Exchequer Equity Reports.

You. & Jerv. Younge & Jervis' English Exchequer Reports.

Young. Young's Reports (21-26 Minnesota).

Young Adm. Young's Nova Scotia Admiralty Cases.

Younge. Younge's English Exchequer Equity Reports.

Younge French Bar. Younge's Historical Sketch of the French Bar.

Younge & Coll. Ch. Younge & Collyer's English Chancery Cases.

Younge & Coll. Ex. Younge & Collyer's English Exchequer Equity Reports.

Younge & Jerv. Younge & Jervis' English Exchequer Reports.

Z.

Zab. Zabriskie's New Jersey Reports.

Zab. Land Laws. Zabriske on the Public Land Laws of the United States.

Zinn Ca. Tr. Zinn's Select Cases in the Law of Trusts.

Zouch. Adm. Zouche's Admiralty Jurisdiction.

Digitized by Google

Digitized by Google

APPENDIX.

THE SALES ACT.

AN ACT

To establish a law uniform with the laws of other States on Sales.[1]

Also called

THE SALES ACT[2]

Being a codification of the law relating to the sale of goods.[3]

PART I.

FORMATION OF THE CONTRACT.

SECTION 1. (1.) A contract to sell goods is a contract whereby the seller agrees to transfer the property in goods to the buyer for a consideration called the price.

(2.) A sale of goods in an agreement whereby the seller transfer the property in goods to the buyer for a consideration called the price.

1—99 Vol. Laws of Ohio, 413-435. Passed May 9, 1908, and went into effect January 1, 1909.

2—Massachusetts Acts and Resolves, Chap. 237, 1908. Passed March 18, 1908, went into effect January 1, 1909.

See also, Conn. Pub. Acts, 1907, C. 212; New Jersey Laws, 1907, C. 132; Arizona Sess. Laws, 1907, C. 99.

3—Following the example of Great Britain, which in 1893 enacted the Sale of Goods Act, several states of the Union have already enacted the so-called Sales Act. The English act was drafted by Mr. M. D. Chalmers, who prepared the English Bills of Exchange Act, which is the foundation of the Negotiable Instruments Law, now in force in a large part of the Union. The Sales Act is based on the English Sale of Goods Act. The original draft was prepared in 1902-3 by Prof. Samuel Williston of Harvard University, at the request of the Commissioners on Uniform State Laws, and was presented to the Conference of the Commissioners and discussed at its meeting in 1904. The draft was then recommitted to the Committee on Commercial Law, and a revised draft was presented at the meeting of the conference in 1905. This draft included for the first time a number of sections on the transfer of property by means of document of title which are not contained in the English act, and because of these sections it was thought best again to recommit the draft. At the meeting of the conference in 1906 the draft in its present form was adopted and recommended to the Legislatures of the several states for passage. The act is in the main declaratory in its effect; but it makes some changes, and necessarily changes the law in some jurisdictions on points concerning which a conflict of laws has existed.—Tiffany on Sales, 2d. Ed.

Digitized by Google

(3.) A contract to sell or a sale may be absolute or conditional.

(4.) There may be a contract to sell or a sale between one part owner and another.

SECTION 2. Capacity to buy and sell is regulated by the general law concerning capacity to contract, and to transfer and acquire property.

Where necessaries are sold and delivered to an infant, or to a person who by reason of mental incapacity or drunkenness is incompetent to contract, he must pay a reasonable price therefor.

Necessaries in this section mean goods suitable to the condition in life of such infant or other person, and to his actual requirements at the time of delivery.

FORMALITIES OF THE CONTRACT.

SECTION 3. Subject to the provisions of this act and of any statute in that behalf, a contract to sell or a sale may be made in writing (either with or without seal), or by word of mouth, or partly in writing and partly by word of mouth, or may be inferred from the conduct of the parties.

SECTION 4. (1.) A contract to sell or a sale of any goods or choses in action of the value of twenty-five hundred ($2500.00) dollars or upwards shall not be enforceable by action unless the buyer shall accept part of the goods or choses in action so contracted to be sold or sold and actually receive the same, or give something in earnest to bind the contract, or in part payment, or unless some note or memorandum in writing of the contract or sale be signed by the party to be charged or his agent in that behalf.[4]

(2.) The provisions of this section apply to every such contract or sale, notwithstanding that the goods may be intended to be delivered at some future time, or may not at the time of such coutract or sale be actually made, procured, or provided, or fit or ready for delivery, or some act may be requisite for the making or completing thereof, or rendering the same fit for delivery; but if the goods are to be manufactured by the seller especially for the buyer and are not suitable for sale to others in the ordinary course of the seller's business, the provisions of this section shall not apply.[5]

(3.) There is an acceptance of goods within the meaning of this section when the buyer, either before or after delivery of the goods, ex-

4—The amount of $2,500 here fixed is exceptionally large. In the Massachusetts Act the value is fixed at $500, and in the English Statute it is ten pounds. Under this provision it is only the exceptionally large contracts of sale that need be in writing, and the former provision of the Statute of Frauds is largely nullified.

5—The last clause of this subdivision is not found in the English Act.

Digitized by Google

presses by words or conduct his assent to becoming the owner of those specific goods.[6]

SUBJECT MATTER OF CONTRACT.

SECTION 5. (1.) The goods which form the subject of the contract to sell may be either existing goods, owned or possessed by the seller, or goods to be manufactured or acquired by the seller after the making of the contract to sell, in this act called "future goods."

(2.) There may be a contract to sell goods, the acquisition of which by the seller depends upon a contingency which may or may not happen.

(3.) Where the parties purport to effect a present sale of future goods, the agreement operates as a contract to sell the goods.

SECTION 6. (1.) There may be a contract to sell or a sale of an undivided share of goods. If the parties intend to effect a present sale, the buyer, by force of the agreement, becomes an owner in common with the owner or owners of the remaining shares.

(2.) In the case of fungible goods, there may be a sale of an undivided share of a specific mass, though the seller purports to sell and the buyer to buy a definite number, weight or measure of the goods in the mass, and though the number, weight or measure of the goods in the mass is undetermined. By such a sale the buyer becomes owner in common of such a share of the mass as the number, weight or measure bought bears to the number, weight or measure of the mass. If the mass contains less than the number, weight or measure bought, the buyer becomes the owner of the whole mass and the seller is bound to make good the deficiency from similar goods unless a contrary intent appears.[7]

SECTION 7. (1.) Where the parties purport to sell specific goods, and the goods without the knowledge of the seller have wholly perished at the time when the agreement is made, the agreement is void.

(2.) Where the parties purport to sell specific goods, and the goods without the knowledge of the seller have perished in part or have wholly or in a material part so deteriorated in quality as to be substantially changed in character, the buyer may at his option treat the sale:

(a.) As avoided, or

(b.) As transferring the property in all of the existing goods or in so much thereof as have not deteriorated, and as binding the buyer

---

6—This clause in the English Act reads as follows: (3) There is an acceptance of goods within the meaning of this section when the buyer does any act in relation to the goods which recognizes a pre-existing contract of sale whether there be an acceptance in performance of the contract or not.

7—The clauses of section six are not found in the English statute, and are opposed to English authorities. The law is that stated in Kimberly v. Patchin, 19 N. Y. 330 (1859).

Digitized by Google

to pay the full agreed price if the sale was indivisible or to pay the agreed price for the goods in which the property passes if the sale was divisible.[8]

SECTION 8. (1.) Where there is a contract to sell specific goods, and subsequently, but before the risk passes to the buyer, without any fault on the part of the seller or the buyer, the goods wholly perish, the contract is thereby avoided.

(2.) Where there is a contract to sell specific goods, and subsequently, but before the risk passes to the buyer, without any fault of the seller or the buyer, part of the goods perish or the whole or a material part of the goods so deteriorate in quality as to be substantially changed in character, the buyer may at his option treat the contract:[9]

(a.) As avoided, or,

(b.) As binding the seller to transfer the property in all of the existing goods or in so much thereof as have not deteriorated, and as binding the buyer to pay the full agreed price if the contract was indivisible, or to pay the agreed price for so much of the goods as the seller, by the buyer's option, is bound to transfer if the contract was divisible.

THE PRICE.

SECTION 9. (1.) The price may be fixed by the contract, or may be left to be fixed in such manner as may be agreed, or it may be determined by the course of dealing between the parties.

(2.) The price may be made payable in any personal property.

(3.) Where transferring or promising to transfer any interest in real estate constitutes the whole or part of the consideration for transferring or for promising to transfer the property in goods, this act shall not apply.

(4.) Where the price is not determined in accordance with the foregoing provisions the buyer must pay a reasonable price. What is a reasonable price is a question of fact dependent on the circumstances of each particular case.

SECTION 10. (1.) Where there is a contract to sell or a sale of goods at a price or on terms to be fixed by a third person, and such third person, without fault of the seller or the buyer, can not or does not fix the price or terms, the contract or the sale is thereby avoided; but if the goods or any part thereof have been delivered to and appropriated by the buyer he must pay a reasonable price therefor.

8—This second subdivision of this section is not found in the English statute.

9—This paragraph and the remainder of the sections are additions to the English statute, and apply the rule of the previous section to goods contracted to be sold.

Digitized by Google

(2.) Where such third person is prevented from fixing the price or terms by fault of the seller or the buyer, the party not in fault may have such remedies against the party in fault as are allowed by Parts IV and V of this act.[10]

CONDITIONS AND WARRANTIES.

SECTION 11. (1.) Where the obligation of either party to a contract to sell or a sale is subject to any condition which is not performed, such party may refuse to proceed with the contract or sale or he may waive performance of the condition. If the other party has promised that the condition should happen or be performed, such first-mentioned party may also treat the non-performance of the condition as a breach of warranty.

(2.) Where the property in the goods has not passed, the buyer may treat the fulfillment by the seller of his obligation to furnish goods as described and as warranted expressly or by implication in the contract to sell as a condition of the obligation of the buyer to perform his promise to accept and pay for the goods.[11]

SECTION 12. Any affirmation of fact or any promise by the seller relating to the goods is an express warranty if the natural tendency of such affirmation or promise is to induce the buyer to purchase the goods, and if the buyer purchases the goods relying thereon. No affirmation of the value of the goods, nor any statement purporting to be a statement of the seller's opinion only shall be construed as a warranty.

SECTION 13. In a contract to sell or a sale, unless a contrary intention appears, there is—

(1.) An implied warranty on the part of the seller that in the case of a sale he has a right to sell the goods, and that in the case of a contract to sell he will have a right to sell the goods at the time when the property is to pass.

10—This subdivision in the English statute is as follows: (2) Where such third party is prevented from making the valuation by the fault of the seller or buyer, the party not in fault may maintain an action for damages against the party in fault.

11—Section ten of the English statute is omitted, and the present section is radically different from the corresponding section of that statute.

In the first place, the election of a party to treat the breach of a condition as a breach of warranty, and not as a ground for treating the contract as repudiated by the other party, is expressly limited, as it should be, to promissory conditions; that is, to cases where "the other party has promised that the condition should happen or be performed."

In the second place, the section, taken with the next four sections, and section sixty-nine, obliterates most of the distinctions between promissory conditions and collateral warranties.—Burdick on Sales, note to this section in Appendix IV.

Digitized by Google

(2.) An implied warranty that the buyer shall have and enjoy quiet possession of the goods as against any lawful claims existing at the time of the sale.

(3.) An implied warranty that the goods shall be free at the time of the sale from any charge or encumbrance in favor of any third person, not declared or known to the buyer before or at the time when the contract or sale is made.

(4.) This section shall not, however, be held to render liable a sheriff, auctioneer, mortgagee, or other person professing to sell by virtue of authority in fact or law goods in which a third person has a legal or equitable interest.[12]

SECTION 14. Where there is a contract to sell or a sale of goods by description, there is an implied warranty that the goods shall correspond with the description and if the contract or sale be by sample, as well as by description, it is not sufficient that the bulk of the goods corresponds with the sample if the goods do not also correspond with the description.

SECTION 15. Subject to the provisions of this act and of any statute in that behalf, there is no implied warranty or condition as to the quality or fitness for any particular purpose of goods supplied under a contract to sell or a sale, except as follows:

(1.) Where the buyer, expressly or by implication, makes known to the seller the particular purpose for which the goods are required, and it appears that the buyer relies on the seller's skill or judgment (whether he be the grower or manufacturer or not), there is an implied warranty that the goods shall be reasonably fit for such purpose.

(2.) Where the goods are bought by description from a seller who deals in goods of that description (whether he be the grower or manufacturer or not), there is an implied warranty that the goods shall be of merchantable quality.

(3.) If the buyer has examined the goods, there is no implied warranty as regards defects which such examination ought to have revealed.

(4.) In the case of a contract to sell or a sale of a specified article under its patent or other trade name, there is no implied warranty as to its fitness for any particular purpose.

(5.) An express warranty or condition as to quality or fitness for a particular purpose may be annexed by the usage of trade.

(6.) An express warranty or condition does not negative a warranty or condition implied under this act unless inconsistent therewith.

12—This paragraph (4) is not found in the English statute but is supported by English and American cases.

Digitized by Google

SALE BY SAMPLE.

SECTION. 16. In the case of a contract to sell or a sale by sample—

(a.) There is an implied warranty that the bulk shall correspond with the sample in quality.

(b.) There is an implied warranty that the buyer shall have a reasonable opportunity of comparing the bulk with the sample, except so far as otherwise provided in section 47 (3).

(c.) If the seller is a dealer in goods of that kind, there is an implied warranty that the goods shall be free from any defect, rendering them unmerchantable, which would not be apparent on reasonable examination of the sample.

PART II.

TRANSFER OF PROPERTY AS BETWEEN SELLER AND BUYER.

SECTION 17. Where there is a contract to sell unascertained goods no property in the goods is transferred to the buyer unless and until the goods are ascertained, but property in an undivided share of ascertained goods may be transferred as provided in section 6.

SECTION 18. (1.) Where there is a contract to sell specific or ascertained goods, the property in them is transferred to the buyer at such time as the parties to the contract intend it to be transferred.

(2.) For the purpose of ascertaining the intention of the parties, regard shall be had to the terms of the contract, the conduct of the parties, usages of trade, and the circumstances of the case.

SECTION 19. Unless a different intention appears, the following are rules for ascertaining the intention of the parties as to the time at which the property in the goods is to pass to the buyer:

Rule 1. Where there is an unconditional contract to sell specific goods, in a deliverable state, the property in the goods passes to the buyer when the contract is made, and it is immaterial whether the time of payment, or the time of delivery, or both, be postponed.

Rule 2. Where there is a contract to sell specific goods and the seller is bound to do something to the goods, for the purpose of putting them into a deliverable state, the property does not pass until such thing be done.

Rule 3. (1.) When goods are delivered to the buyer "on sale or return," or on other terms indicating an intention to make a present sale, but to give the buyer an option to return the goods instead of paying

Digitized by Google

the price, the property passes to the buyer on delivery, but he may revest the property in the seller by returning or tendering the goods within the time fixed in the contract, or, if no time has been fixed, within a reasonable time.

(2.) When goods are delivered to the buyer on approval or on trial or on satisfaction, or other similar terms, the property therein passes to the buyer—

(a.) When he signifies his approval or acceptance to the seller or does any other act adopting the transaction.

(b.) If he does not signify his approval or acceptance to the seller, but retains the goods without giving notice of rejection, then, if a time has been fixed for the return of the goods, on the expiration of such time, and, if no time has been fixed, on the expiration of a reasonable time. What is a reasonable time is a question of fact.

Rule 4. (1.) Where there is a contract to sell unascertained or future goods by description, and goods of that description and in a deliverable state are unconditionally appropriated to the contract, either by the seller with the assent of the buyer, or by the buyer with the assent of the seller, the property in goods thereupon passes to the buyer. Such assent may be expressed or implied, and may be given either before or after the appropriation is made.

(2.) Where, in pursuance of a contract to sell, the seller delivers the goods to the buyer, or to a carrier or other bailee (whether named by the buyer or not) for the purpose of transmission to or holding for the buyer, he is presumed to have unconditionally appropriated the goods to the contract, except in the cases provided for in the next rule and in section 20. This presumption is applicable, although by the terms of the contract the buyer is to pay the price before receiving delivery of the goods, and the goods are marked with the words collect on delivery or their equivalents.

Rule 5. If a contract to sell requires the seller to deliver the goods to the buyer, or at a particular place, or to pay the freight or cost of transportation to the buyer, or to a particular place, the property does not pass until the goods have been delivered to the buyer or reached the place agreed upon.[1]

SECTION 20. (1.) Where there is a contract to sell specific goods, or where goods are subsequently appropriated to the contract, the seller may, by the terms of the contract or appropriation, reserve the right of possession of property in the goods until certain conditions have been fulfilled. The right of possession of property may be thus reserved not-

1—This clause is based on American decisions, and is not found in the English Act.

Digitized by Google

withstanding the delivery of the goods to the buyer, or to a carrier or other bailee for the purpose of transmission to the buyer.

(2.) Where goods are shipped, and by the bill of lading the goods are deliverable to the seller or his agent, or to the order of the seller or of his agent, the seller thereby reserves the property in the goods. But if, except for the form of the bill of lading, the property would have passed to the buyer on shipment of the goods, the seller's property in the goods shall be deemed to be only for the purpose of securing performance by the buyer of his obligations under the contract.

(3.) Where goods are shipped, and by the bill of lading the goods are deliverable to the order of the buyer or of his agent, but possession of the bill of lading is retained by the seller or his agent, the seller thereby reserves a right to the possession of the goods, as against the buyer.

(4.) Where the seller of goods draws on the buyer for the price and transmits the bill of exchange and bill of lading together to the buyer to secure acceptance or payment of the bill of exchange, the buyer is bound to return the bill of lading if he does not honor the bill of exchange, and if he wrongfully retains the bill of lading he acquires no added right thereby. If, however, the bill of lading provides that the goods are deliverable to the buyer or to the order of the buyer, or is endorsed in blank, or to the buyer by the consignee named therein, one who purchases in good faith, for value, the bill of lading, or goods from the buyer will obtain the property in the goods, although the bill of exchange has not been honored, provided that such purchaser has received delivery of the bill of lading indorsed by the consignee named therein, or of the goods, without notice of the facts making the transfer wrongful.

SECTION 21.[2] In the case of a sale by auction:

(1.) Where goods are put up for sale by auction in lots, each lot is the subject of a separate contract of sale.

(2.) A sale by auction is complete when the auctioneer announces its completion by the fall of the hammer, or in other customary manner. Until such announcement is made any bidder may retract his bid; and the auctioneer may withdraw the goods from sale unless the auction has been announced to be without reserve.

(3.) A right to bid may be reserved expressly by or on behalf of the seller.

(4.) Where notice has not been given that a sale by auction is subject to a right to bid on behalf of the seller, it shall not be lawful for the seller to bid himself or to employ or induce any person to bid at

2—This section follows section 58 of the English statute, and is in accordance with precedents.

Digitized by Google

such sale on his behalf, or for the auctioneer to employ or induce any person to bid at such sale on behalf of the seller or knowingly to take any bid from the seller or any person employed by him. Any sale contravening this rule may be treated as fraudulent by the buyer.

SECTION 22. Unless otherwise agreed, the goods remain at the seller's risk until the property therein is transferred to the buyer, but when the property therein is transferred to the buyer the goods are at the buyer's risk whether delivery has been made or not, except that—

(a.) Where delivery of the goods has been made to the buyer, or to a bailee for the buyer, in pursuance of the contract and the property in the goods has been retained by the seller merely to secure performance by the buyer of his obligations under the contract, the goods are at the buyer's risk from the time of such delivery.

(b.) Where delivery has been delayed through the fault of either buyer or seller the goods are at the risk of the party in fault as regards any loss which might not have occurred but for such fault.

TRANSFER OF TITLE.

SECTION 23. (1.) Subject to the provisions of this act, where goods are sold by a person who is not the owner thereof, and who does not sell them under the authority or with the consent of the owner, the buyer acquires no better title to the goods than the seller had, unless the owner of the goods is by his conduct precluded from denying the seller's authority to sell.

(2.) Nothing in this act, however, shall affect—

(a.) The provisions of any factors' acts, recording acts, or any enactment enabling the apparent owner of goods to dispose of them as if he were the true owner thereof.

(b.) The validity of any contract to sell or sale under any special common law or statutory power of sale or under the order of a court of competent jurisdiction.[3]

3—This section is the same as section 21 of the English Act. Section 22 of the English statute deals with sales in market overt and is as follows:

(1.) Where goods are sold in market overt, according to the usage of the market, the buyer acquires a good title to the goods, provided he buys them in good faith and without notice of any defect or want of title on the part of the seller.

(2.) Nothing in this section shall affect the law relating to the sale of horses.

(3.) The provisions of this section do not apply to Scotland. This system of rules as to sales in market overt have never been of any importance in this country, as such markets are not used.

Section 24 of the English Act, is not found in the American acts, as its provisions are not recognized here. The section in the English Act is as follows:

(1.) Where goods have been stolen and the offender is prosecuted to conviction,

Digitized by Google

SECTION 24. Where the seller of goods has a voidable title thereto, but his title has not been avoided at the time of the sale, the buyer acquires a good title to the goods, provided he buys them in good faith, for value, and without notice of the seller's defect of title.

SECTION 25. Where a person having sold goods continues in possession of the goods, or of negotiable documents of title to the goods, the delivery or transfer by that person, or by an agent acting for him, of the goods or documents of title under any sale, pledge, or other disposition thereof, to any person receiving and paying value for the same in good faith and without notice of the previous sale, shall have the same effect as if the person making the delivery or transfer were expressly authorized by the owner of the goods to make the same.[4]

SECTION 26. Where a person having sold goods continues in possession of the goods, or of negotiable documents of title to the goods, and such retention of possession is fraudulent in fact or is deemed fraudulent under any rule of law, a creditor or creditors of the seller may treat the sale as void.[5]

---

the property in the goods so stolen revests in the person who was the owner of the goods, or his personal representative, notwithstanding any intermediate dealing with them, whether by sale in market overt or otherwise.

(2.) Notwithstanding any enactment to the contrary, where goods have been obtained by fraud or other wrongful means not amounting to larceny, the property in such goods shall not revest in the person who was the owner of the goods, or his personal representative, by reason only of the conviction of the offender.

(3.) The provisions of this section do not apply to Scotland.

4—The second and third subdivisions of this section as given in the English Act are omitted from the American statutes as not in accordance with the weight of authority. The omitted parts are as follows:

(2.) Where a person having bought or agreed to buy goods obtains, with the consent of the seller, possession of the goods or the documents of title to the goods, the delivery or transfer by that person, or by a mercantile agent acting for him, of the goods or documents of title, under any sale, pledge, or other disposition thereof, to any person receiving the same in good faith and without notice of any lien or other right of the original seller in respect of the goods, shall have the same effect as if the person making the delivery or transfer were a mercantile agent in possession of the goods or documents of title with the consent of the owner.

(3.) In this section the term "mercantile agent" has the same meaning as in the Factors Acts.

5—Section 26 of the English statute is as follows:

(1.) A writ of *fieri facias* or other writ of execution against goods shall bind the property in the goods of the execution debtor as from the time when the writ is delivered to the sheriff to be executed; and, for the better manifestation of such time, it shall be the duty of the sheriff, without fee, upon the receipt of any such writ to indorse upon the back thereof, the hour, day, month, and year when he received the same.

Provided that no such writ shall prejudice the title to such goods acquired by any person in good faith and for valuable consideration, unless such person had at the time when he acquired his title notice that such writ or any other writ by

Digitized by Google

SECTION 27. A document of title in which it is stated that the goods referred to therein will be delivered to the bearer, or to the order of any person named in such document is a negotiable document of title.[6]

SECTION 28. A negotiable document of title may be negotiated by delivery.

(a.) Where by the terms of the document the carrier, warehouseman, or other bailee issuing the same undertakes to deliver the goods to the bearer, or

(b.) Where by the terms of the document the carrier, warehouseman, or other bailee issuing the same undertakes to deliver the goods to the order of a specified person, and such person or a subsequent indorsee of the document has indorsed it in blank or to bearer.

Where by the terms of a negotiable document of title the goods are deliverable to bearer or where a negotiable document of title has been indorsed in blank or to bearer, any holder may indorse the same to himself or to any other specified person, and in such case the document shall thereafter be negotiated only by the indorsement of such indorsee.

SECTION 29. A negotiable document of title may be negotiated by the indorsement of the person to whose order the goods are by the terms of the document deliverable. Such indorsement may be in blank, to bearer or to a specified person. If indorsed to a specified person it may be again negotiated by the indorsement of such person in blank, to bearer or to another specified person. Subsequent negotiation may be made in like manner.

SECTION 30. If a document of title which contains an undertaking by a carrier, warehouseman, or other bailee to deliver the goods to the bearer, to a specified person or order, or to the order of a specified person, or which contains words of like import, has placed upon it the words "not negotiable," "non-negotiable" or the like, such a document may nevertheless be negotiated by the holder and is a negotiable document of title within the meaning of this act. But nothing in this act contained shall be construed as limiting, or defining the effect upon the obligations of the carrier, warehouseman, or other bailee issuing a document of title of placing thereon the words "not negotiable," "non-negotiable," or the like.

---

virtue of which the goods of the execution debtor might be seized or attached had been delivered to and remained unexecuted in the hands of the sheriff.

(2.) In this section the term "sheriff" includes any officer charged with the enforcement of a writ of execution.

(3.) The provisions of this section do not apply to Scotland.

6—The matter given in sections 27 to 40 are not a part of the English Sales Act, they were added by the Committee on Commercial Law, to cover transfers by documents of title.

Digitized by Google

SECTION 31. A document of title which is not in such form that it can be negotiated by delivery may be transferred by the holder by delivery to a purchaser or donee. A non-negotiable document cannot be negotiated and the indorsement of such a document gives the transferee no additional right.

SECTION 32. A negotiable document of title may be negotiated—

(a.) By the owner thereof, or

(b.) By any person to whom the possession or custody of the document has been entrusted by the owner, if, by the terms of the document the bailee issuing the document undertakes to deliver the goods to the order of the person to whom the possession or custody of the document has been entrusted, or if at the time of such entrusting the document is in such form that it may be negotiated by delivery.

SECTION 33. A person to whom a negotiable document of title has been duly negotiated acquires thereby,

(a.) Such title to the goods as the person negotiating the document to him had or had ability to convey to a purchaser in good faith for value, and also such title to the goods as the person to whose order the goods were to be delivered by the terms of the document had or had ability to convey to a purchaser in good faith for value, and,

(b.) The direct obligation of the bailee issuing the document to hold possession of the goods for him according to the terms of the document as fully as if such bailee had contracted directly with him.

SECTION 34. A person to whom a document of title has been transferred, but not negotiated, acquires thereby, as against the transferrer, the title to the goods, subject to the terms of any agreement with the transferrer.

If the document is non-negotiable such person also acquires the right to notify the bailee who issued the document of the transfer thereof, and thereby to acquire the direct obligation of such bailee to hold possession of the goods for him according to the terms of the document.

Prior to the notification of such bailee by the transferrer or transferee of a non-negotiable document of title, the title of the transferee to the goods and the right to acquire the obligation of such bailee may be defeated by the levy of an attachment or execution upon the goods by a creditor of the transferrer, or by a notification to such bailee by the transferrer or a subsequent purchaser from the transferrer of a subsequent sale of goods by the transferrer.

SECTION 35. Where a negotiable document of title is transferred for value by delivery, and the indorsement of the transferrer is essential for negotiation, the transferee acquires a right against the transferrer to compel him to indorse the document unless a contrary intention appears.

Digitized by Google

The negotiation shall take effect as of the time when the indorsement is actually made.

SECTION 36. A person who for value negotiates or transfers a document of title by indorsement or delivery, including one who assigns for value a claim secured by a document of title unless a contrary intention appears, warrants:

(a.) That the document is genuine.

(b.) That he has a legal right to negotiate or transfer it.

(c.) That he has knowledge of no fact which would impair the validity or worth of the document, and,

(d.) That he has the right to transfer the title to the goods and that the goods are merchantable or fit for a particular purpose, whenever such warranties would have been implied if the contract of the parties had been to transfer without a document of title the goods represented thereby.

SECTION 37. The indorsement of a document of title shall not make the indorser liable for any failure on the part of the bailee who issued the document or previous indorsers thereof to fulfill their respective obligations.

SECTION 38. The validity of the negotiation of a negotiable document of title is not impaired by the fact that the negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the document was induced by fraud, mistake, or duress to entrust the possession or custody thereof to such person, if the person to whom the document was negotiated or a person to whom the document was subsequently negotiated paid value therefor, without notice of the breach of duty, or fraud, mistake, or duress.

SECTION 39. If goods are delivered to a bailee by the owner or by a person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner and a negotiable document of title is issued for them they cannot thereafter, while in the possession of such bailee be attached by garnishment or otherwise or be levied upon under an execution unless the document be first surrendered to the bailee or its negotiation enjoined. The bailee shall in no case be compelled to deliver up the actual possession of the goods until the document is surrendered to him or impounded by the court.[1]

1—"It was thought best in this draft not to take the extreme position that no attachment, garnishment or levy, could be made on property for which a negotiable document was outstanding, but to cover the essential practical point by making it a condition of the validity of such seizure that the negotiation of the document be enjoined or the document impounded. The following section (§ 40) expressly gives the Court full power to aid, by injunction and otherwise, a creditor seeking to get at a negotiable document and the property covered thereby."—Note to original draft of this section.

Digitized by Google

SECTION 40. A creditor whose debtor is the owner of a negotiable document of title shall be entitled to such aid from courts of appropriate jurisdiction by injunction and otherwise in attaching such document or in satisfying the claim by means thereof as is allowed at law or in equity in regard to property which can not readily be attached or levied upon by ordinary legal process.

PART III.

PERFORMANCE OF THE CONTRACT.

SECTION 41. It is the duty of the seller to deliver the goods, and of the buyer to accept and pay for them, in accordance with the terms of the contract to sell or sale.

SECTION 42. Unless otherwise agreed, delivery of the goods and payment of the price are concurrent conditions, that is to say, the seller must be ready and willing to give possession of the goods to the buyer in exchange for the price and the buyer must be ready and willing to pay the price in exchange for possession of the goods.

SECTION 43. (1.) Whether it is for the buyer to take possession of the goods or for the seller to send them to the buyer, is a question depending in each case on the contract, express or implied, between the parties. Apart from any such contract, express or implied, or usage of trade to the contrary, the place of delivery is the seller's place of business, if he have one, and if not, his residence; but in case of a contract to sell or a sale of specific goods, which to the knowledge of the parties when the contract or the sale was made were in some other place, then that place is the place of delivery.

(2.) Where by a contract to sell or a sale the seller is bound to send the goods to the buyer, but no time for sending them is fixed, the seller is bound to send them within a reasonable time.

(3.) Where the goods at the time of sale are in the possession of a third person, the seller has not fulfilled his obligation to deliver to the buyer unless and until such third person acknowledges to the buyer that he holds the goods on the buyer's behalf; but as against all others than the seller the buyer shall be regarded as having received delivery from the time when such third person first has notice of the sale. Nothing in this section, however, shall affect the operation of the issue or transfer of any document of title to goods.

(4.) Demand or tender of delivery may be treated as ineffectual unless made at a reasonable hour. What is a reasonable hour is a question of fact.

Digitized by Google

(5.) Unless otherwise agreed, the expenses of and incidental to putting the goods into a deliverable state must be borne by the seller.

SECTION 44. (1.) Where the seller delivers to the buyer a quantity of goods less than he contracted to sell, the buyer may reject them, but if the buyer accepts or retains the goods so delivered, knowing that the seller is not going to perform the contract in full, he must pay for them at the contract rate. If, however, the buyer has used or disposed of the goods delivered before he knows that the seller is not going to perform his contract in full, the buyer shall not be liable for more than the fair value to him of the goods so received.

(2.) Where the seller delivers to the buyer a quantity of goods larger than he contracted to sell, the buyer may accept the goods included in the contract and reject the rest, or he may reject the whole. If the buyer accepts the whole of the goods so delivered he must pay for them at the contract rate.

(3.) Where the seller delivers to the buyer the goods he contracted to sell mixed with goods of a different description not included in the contract, the buyer may accept the goods which are in accordance with the contract and reject the rest, or he may reject the whole.

(4.) The provisions of this section are subject to any usage of trade, special agreement, or course of dealing between the parties.

SECTION 45. (1.) Unless otherwise agreed, the buyer of goods is not bound to accept delivery thereof by installments.

(2.) Where there is a contract to sell goods to be delivered by stated installments, which are to be separately paid for, and the seller makes defective deliveries in respect to one or more installments, or the buyer neglects or refuses to take delivery of or pay for one or more installments, it depends in each case on the terms of the contract and the circumstances of the case, whether the breach of contract is so material as to justify the injured party in refusing to proceed further and suing for damages for breach of the entire contract, or whether the breach is severable, giving rise to a claim for compensation, but not to a right to treat the whole contract as broken.

SECTION 46. (1.) Where, in pursuance of a contract to sell or a sale, the seller is authorized or required to send the goods to the buyer, delivery of the goods to a carrier, whether named by the buyer or not, for the purpose of transmission to the buyer is deemed to be a delivery of the goods to the buyer, except in the cases provided for in section 19, rule 5, unless a contrary intent appears.

(2.) Unless otherwise authorized by the buyer, the seller must make such contract with the carrier on behalf of the buyer as may be reasonable, having regard to the nature of the goods and the other circum-

Digitized by Google

stances of the case. If the seller omit so to do, and the goods are lost or damaged in course of transit, the buyer may decline to treat the delivery to the carrier as a delivery to himself, or may hold the seller responsible in damages.

(3.) Unless otherwise agreed, where goods are sent by the seller to the buyer under circumstances in which the seller knows or ought to know that it is usual to insure, the seller must give such notice to the buyer as may enable him to insure them during their transit, and, if the seller fails to do so, the goods shall be deemed to be at his risk during such transit.

SECTION 47. (1.) Where goods are delivered to the buyer, which he has not previously examined, he is not deemed to have accepted them unless and until he has had a reasonable opportunity of examining them for the purpose of ascertaining whether they are in conformity with the contract.

(2.) Unless otherwise agreed, when the seller tenders delivery of goods to the buyer, he is bound, on request, to afford the buyer a reasonable opportunity of examining the goods for the purpose of ascertaining whether they are in conformity with the contract.

(3.) Where goods are delivered to a carrier by the seller, in accordance with an order from or agreement with the buyer, upon the terms that the goods shall not be delivered by the carrier to the buyer until he has paid the price, whether such terms are indicated by marking the goods with the words collect on delivery, or otherwise, the buyer is not entitled to examine the goods before payment of the price in the absence of agreement permitting such examination.[2]

SECTION 48. The buyer is deemed to have accepted the goods when he intimates to the seller that he has accepted them, or when the goods have been delivered to him, and he does any act in relation to them which is inconsistent with the ownership of the seller, or when, after the lapse of a reasonable time, he retains the goods without intimating to the seller that he has rejected them.

SECTION 49. In the absence of express or implied agreement of the parties, acceptance of the goods by the buyer shall not discharge the seller from liability in damages or other legal remedy for breach of any promise or warranty in the contract to sell or the sale. But if, after acceptance of the goods, the buyer fail to give notice to the seller of the breach of any promise or warranty within a reasonable time after the

---

2—This subdivision (3) has been added, and is not to be found in the English Act. Business usages in this country are in accordance with the clause.

Digitized by Google

buyer knows, or ought to know, of such breach, the seller shall not be liable therefor.[3]

SECTION 50. Unless otherwise agreed, where goods are delivered to the buyer, and he refuses to accept them, having the right so to do, he is not bound to return them to the seller, but it is sufficient if he notifies the seller that he refuses to accept them.

SECTION 51. When the seller is ready and willing to deliver the goods, and requests the buyer to take delivery, and the buyer does not within a reasonable time after such request take delivery of the goods, he is liable to the seller for any loss occasioned by his neglect or refusal to take delivery, and also for a reasonable charge for the care and custody of the goods. If the neglect or refusal of the buyer to take delivery amounts to a repudiation or breach of the entire contract, the seller shall have the rights against the goods and on the contract hereinafter provided in favor of the seller when the buyer is in default.

PART IV.

RIGHTS OF UNPAID SELLER AGAINST THE GOODS.

SECTION 52. (1.) The seller of goods is deemed to be an unpaid seller within the meaning of the act—

(a.) When the whole of the price has not been paid or tendered.

(b.) When a bill of exchange or other negotiable instrument has been received as conditional payment, and the condition on which it was received has been broken by reason of the dishonor of the instrument, the insolvency of the buyer, or otherwise.

(2.) In this part of this act the term "seller" includes an agent of the seller to whom the bill of lading has been endorsed, or a consignor or agent who has himself paid, or is directly responsible for, the price, or any other person who is in the position of a seller.

SECTION 53. (1.) Subject to the provisions of this act, notwithstanding that the property in the goods may have passed to the buyer, the unpaid seller of goods, as such, has—

(a.) A lien on the goods or right to retain them for the price while he is in possession of them.

(b.) In case of the insolvency of the buyer, a right of stopping the goods in transitu after he has parted with the possession of them.

(c.) A right of resale as limited by this act.

(d.) A right to rescind the sale as limited by this act.

3—The second sentence in this section imposes upon the buyer the duty of giving notice to the seller, an act not required by English law, nor in many of our states.

Digitized by Google

(2.) Where the property in goods has not passed to the buyer, the unpaid seller has, in addition to his other remedies, a right of withholding delivery similar to and co-extensive with his rights of lien and stoppage "in transitu" where the property has passed to the buyer.

UNPAID SELLER'S LIEN.

SECTION 54. (1.) Subject to the provisions of this act, the unpaid seller of goods who is in possession of them is entitled to retain possession of them until payment or tender of the price in the following cases, namely:

(a.) Where the goods have been sold without any stipulation as to credit.

(b.) Where the goods have been sold on credit, but the term of credit has expired.

(c.) Where the buyer becomes insolvent.

(2.) The seller may exercise his right of lien notwithstanding that he is in possession of the goods as agent or bailee for the buyer.

SECTION 55. Where an unpaid seller has made part delivery of the goods, he may exercise his right of lien on the remainder, unless such part delivery has been made under such circumstances as to show an intent to waive the lien or right of retention.

SECTION 56 (1.) The unpaid seller of goods loses his lien thereon—

(a.) When he delivers the goods to a carrier or other bailee for the purpose of transmission to the buyer without reserving the property in the goods or the right to the possession thereof.

(b.) When the buyer or his agent lawfully obtains possession of the goods.

(c.) By waiver thereof.

(2.) The unpaid seller of goods, having a lien thereon, does not lose his lien by reason only that he has obtained judgment or decree for the price of the goods.

STOPPAGE IN TRANSITU.

SECTION 57. Subject to the provisions of this act, when the buyer of goods is or becomes insolvent, the unpaid seller who has parted with the possession of the goods has the right of stopping them in transitu, that is to say, he may resume possession of the good at any time while they are in transit, and he will then become entitled to the same rights in

Digitized by Google

regard to the goods as he would have had if he had never parted with the possession.[1]

SECTION 58. (1.) Goods are in transit within the meaning of section 57:

(a.) From the time when they are delivered to a carrier by land or water, or other bailee for the purpose of transmission to the buyer, until the buyer, or his agent in that behalf, takes delivery of them from such carrier or other bailee.

(b.) If the goods are rejected by the buyer, and the carrier or other bailee continues in possession of them, even if the seller has refused to receive them back.

(2.) Goods are no longer in transit within the meaning of section 57:

(a.) If the buyer, or his agent in that behalf, obtains delivery of the goods before their arrival at the appointed destination.

(b.) If, after the arrival of the goods at the appointed destination, the carrier or other bailee acknowledges to the buyer or his agent, that he holds the goods on his behalf and continues in possession of them as bailee for the buyer, or his agent, and it is immaterial that a further destination for the goods may have been indicated by the buyer.

(c.) If the carrier or other bailee wrongfully refuses to deliver the goods to the buyer, or his agent in that behalf.

(3.) If goods are delivered to a ship chartered by the buyer, it is a question depending on the circumstances of the particular case, whether they are in the possession of the master as a carrier or as agent of the buyer.

(4.) If part delivery of the goods has been made to the buyer, or his agent in that behalf, the remainder of the goods may be stopped in transitu, unless such part delivery has been made under such circumstances as to show an agreement with the buyer to give up possession of the whole of the goods.

SECTION 59. (1.) The unpaid seller may exercise his right of stoppage in transitu either by obtaining actual possession of the goods, or by giving notice of his claim to the carrier or other bailee in whose possession the goods are. Such notice may be given either to the person in actual possession of the goods or to his principal. In the latter case the notice, to be effectual, must be given at such time and under such cir-

1—Section 44 of the English statute, which is the corresponding section to this does not recognize the full rights of the seller on retaking goods from an insolvent debtor. The English section is as follows: '44. Subject to the provisions of this Act, when the buyer of goods becomes insolvent, the unpaid seller who has parted with the possession of the goods has the right of stopping them *in transitu*, that is to say, he may resume possession of the goods as long as they are in course of transit, and may retain them until payment or tender of the price.

Digitized by Google

cumstances that the principal, by the exercise of reasonable diligence, may prevent a delivery to the buyer.

(2.) When notice of stoppage in transitu is given by the seller to the carrier, or other bailee in possession of the goods, he must redeliver the goods to, or according to the directions of, the seller. The expenses of such redelivery must be borne by the seller. If, however, a negotiable document of title representing the goods has been issued by the carrier or other bailee, he shall not be obliged to deliver or justified in delivering the goods to the seller unless such document is first surrendered for cancellation.[2]

RESALE BY THE SELLER.[3]

SECTION 60. (1.) Where the goods are of a perishable nature, or where the seller expressly reserves the right of resale in case the buyer should make default, or where the buyer has been in default in the payment of the price an unreasonable time, an unpaid seller having a right of lien or having stopped the goods in transitu may resell the goods. He shall not thereafter be liable to the original buyer upon the contract to

---

2—The last sentence of this subdivision is not found in the English Act.

3—The provisions of the English Act as to the rights of buyer and seller are somewhat different from those fixed here. The English statute in this regard is as follows:

RE-SALE BY BUYER OR SELLER.

47. Subject to the provisions of this Act, the unpaid seller's right or lien or retention or stoppage *in transitu* is not affected by any sale, or other disposition of the goods which the buyer may have made, unless the seller has assented thereto.

Provided that where a document of title to goods has been lawfully transferred to any person as buyer or owner of the goods, and that person transfers the document to a person who takes the document in good faith and for valuable consideration, then, if such last-mentioned transfer was by way of sale the unpaid seller's right of lien or retention or stoppage *in transitu* is defeated, and if such last-mentioned transfer was by way of pledge or other disposition for value, the unpaid seller's right of lien or retention or stoppage *in transitu* can only be exercised subject to the rights of the transferee.

48—(1.) Subject to the provisions of this section, a contract of sale is not rescinded by the mere exercise by an unpaid seller of his right of lien or retention or stoppage *in transitu*.

(2.) Where an unpaid seller who has exercised his right of lien or retention or stoppage *in transitu* resells the goods, the buyer acquires a good title thereto as against the original buyer.

(3.) Where the goods are of a perishable nature, or where the unpaid seller gives notice to the buyer of his intention to resell, and the buyer does not within a reasonable time pay or tender the price, the unpaid seller may resell the goods and recover from the original buyer damages for any loss occasioned by his breach of contract.

(4.) Where the seller expressly reserves a right of resale in case the buyer should make default, and on the buyer making default, resells the goods, the original contract of sale is thereby rescinded, but without prejudice to any claim the seller may have for damages.

Digitized by Google

sell or the sale or for any profit made by such resale, but may recover from the buyer damages for any loss occasioned by the breach of the contract or the sale.

(2.) Where a resale is made, as authorized in this section, the buyer acquires a good title as against the original buyer.

(3.) It is not essential to the validity of a resale that notice of an intention to resell the goods be given by the seller to the original buyer. But where the right to resell is not based on the perishable nature of the goods or upon an express provision of the contract or the sale, the giving or failure to give such notice shall be relevant in any issue involving the question whether the buyer had been in default an unreasonable time before the resale was made.

(4.) It is not essential to the validity of a resale that notice of the time and place of such resale should be given by the seller to the original buyer.

(5.) The seller is bound to exercise reasonable care and judgment in making a resale, and subject to this requirement may make a resale either by public or private sale.

RESCISSION BY THE SELLER. (4)

SECTION 61. (1.) An unpaid seller having a right of lien or having stopped the goods in transitu, may rescind the transfer of title and resume the property in the goods, where he expressly reserved the right to do so in case the buyer should make default, or where the buyer has been in default in the payment of the price an unreasonable time. The seller shall not thereafter be liable to the buyer upon the contract to sell or the sale, but may recover from the buyer damages for any loss occasioned by the breach of the contract or the sale.

(2.) The transfer of title shall not be held to have been rescinded by an unpaid seller until he has manifested by notice to the buyer or by some other overt act an intention to rescind. It is not necessary that such overt act should be communicated to the buyer, but the giving or failure to give notice to the buyer of the intention to rescind shall be relevant in any issue involving the question whether the buyer has been in default an unreasonable time before the right of rescission was asserted.

SECTION 62. Subject to the provisions of this act, the unpaid seller's right of lien or stoppage in transitu is not affected by any sale, or other

4—This is an entirely new section, and made necessary by judicial decisions in this country.

Digitized by Google

disposition of the goods which the buyer may have made, unless the seller has assented thereto.

If, however, a negotiable document of title has been issued for goods, no seller's lien or right of stoppage in transitu shall defeat the right of any purchaser for value in good faith to whom such document has been negotiated, whether such negotiation be prior or subsequent to the notification to the carrier or other bailee who issued such document, of the seller's claim to a lien or right of stoppage in transitu.

PART V.

ACTIONS FOR BREACH OF CONTRACT.—REMEDIES OF THE SELLER.

SECTION 63. (1.) Where, under a contract to sell or a sale, the property in the goods has passed to the buyer, and the buyer wrongfully neglects or refuses to pay for the goods according to the terms of the contract or the sale, the seller may maintain an action against him for the price of the goods.

(2.) Where, under a contract to sell or a sale, the price is payable on a day certain, irrespective of delivery or of transfer of title, and the buyer wrongfully neglects or refuses to pay such price, the seller may maintain an action for the price, although the property in the goods has not passed, and the goods have not been appropriated to the contract. But it shall be a defense to such an action that the seller at any time before judgment in such action has manifested an inability to perform the contract or the sale on his part or an intention not to perform.[5]

(3.) Although the property in the goods has not passed, if they can not readily be resold for a reasonable price, and if the provisions of section 64 (4) are not applicable, the seller may offer to deliver the goods to the buyer, and, if the buyer refuses to receive them, may notify the buyer that the goods are thereafter held by the seller as bailee for the buyer. Thereafter the seller may treat the goods as the buyer's and may maintain an action for the price.[6]

SECTION 64. (1.) Where the buyer wrongfully neglects or refuses to

---

5—The last sentence in this subdivision was added by the codifiers to settle a conflict in the American authorities on the matter, and the rule adopted is, as they believed, supported by the weight of authority.

6—This subdivision differs radically from the rule in England, and that of some States, and follows the New York rule as to the right of the seller to sue for the purchase price.

Digitized by Google

accept and pay for the goods, the seller may maintain an action against him for damages for non-acceptance.

(2.) The measure of damages is the estimated loss directly and naturally resulting, in the ordinary course of events, from the buyer's breach of contract.

(3.) Where there is an available market for the goods in question, the measure of damages is, in the absence of special circumstances, showing proximate damage of a greater amount, the difference between the contract price and the market or current price at the time or times when the goods ought to have been accepted, or, if no time was fixed for acceptance, then at the time of the refusal to accept.

(4.) If, while labor or expense of material amount are necessary on the part of the seller to enable him to fulfill his obligations under the contract to sell or the sale, the buyer repudiates the contract or the sale, or notifies the seller to proceed no further therewith, the buyer shall be liable to the seller for no greater damages than the seller would have suffered if he did nothing towards carrying out the contract or the sale after receiving notice of the buyer's repudiation or countermand. The profit the seller would have made if the contract or the sale had been fully performed shall be considered in estimating such damages.[7]

SECTION 65. Where the goods have not been delivered to the buyer, and the buyer has repudiated the contract to sell or sale, or has manifested his inability to perform his obligations thereunder, or has committed a material breach thereof, the seller may totally rescind the contract or the sale by giving notice of his election so to do to the buyer.[8]

REMEDIES OF THE BUYER.

SECTION 66. Where the property in the goods has passed to the buyer and the seller wrongfully neglects or refuses to deliver the goods, the buyer may maintain any action allowed by law to the owner of goods of similar kind when wrongfuly converted or withheld.[9]

SECTION 67. (1.) Where the property in the goods has not passed to the buyer, and the seller wrongfully neglects or refuses to deliver the goods, the buyer may maintain an action against the seller for damages for non-delivery.

7—This is an addition to the English statute, made necessary by American decisions.

8—This section is also an addition, and not found in the English Act.

9—Not found in English Act.

Digitized by Google

(2.) The measure of damages is the loss directly and naturally resulting, in the ordinary course of events, from the seller's breach of contract.

(3.) Where there is an available market for the goods in question, the measure of damages, in the absence of special circumstances showing proximate damages of a greater amount, is the difference between the contract price and the market or current price of the goods at the time or times when they ought to have been delivered, or, if no time was fixed, then at the time of the refusal to deliver.

SECTION 68. Where the seller has broken a contract to deliver specific or ascertained goods, a court having the powers of a court of equity may, if it thinks fit, on the application of the buyer, by its judgment or decree direct that the contract shall be performed specifically, without giving the seller the option of retaining the goods on payment of damages. The judgment or decree may be unconditional, or upon such terms and conditions as to damages, payment of the price and otherwise, as to the court may seem just.

SECTION 69. (1.) Where there is a breach of warranty by the seller, the buyer may, at his election—

(a) Accept or keep the goods and set up against the seller, the breach of warranty by way of recoupment in diminution or extinction of the price;

(b) Accept or keep the goods and maintain an action against the seller for damages for the breach of warranty;

(c) Refuse to accept the goods, if the property therein has not passed, and maintain an action against the seller for damages for the breach of warranty;

(d) Rescind the contract to sell or the sale and refuse to receive the goods, or if the goods have already been received, return them or offer to return them to the seller and recover the price or any part thereof which has been paid.

(2.) When the buyer has claimed and been granted a remedy in any one of these ways, no other remedy can therefore be granted.

(3.) Where the goods have been delivered to the buyer, he cannot rescind the sale if he knew of the breach of warranty when he accepted the goods, or if he fails to notify the seller within a reasonable time of the election to rescind, or if he fails to return or to offer to return the goods to the seller in substantially as good condition as they were in at the time the property was transferred to the buyer. But if deterioration or injury of the goods is due to the breach of warranty, such deterioration or injury shall not prevent the buyer from returning or offering to return the goods to the seller and rescinding the sale.

Digitized by Google

(4.) Where the buyer is entitled to rescind the sale and elects to do so, the buyer shall cease to be liable for the price upon returning or offering to return the goods. If the price or any part thereof has already been paid, the seller shall be liable to repay so much thereof as has been paid, concurrently with the return of the goods, or immediately after an offer to return the goods in exchange for repayment of the price.

(5.) Where the buyer is entitled to rescind the sale and elects to do so, if the seller refuses to accept an offer of the buyer to return the goods, the buyer shall thereafter be deemed to hold the goods as bailee for the seller, but subject to a lien to secure the repayment of any portion of the price which has been paid, and with the remedies for the enforcement of such lien allowed to an unpaid seller by section 53.

(6.) The measure of damages for breach of warranty is the loss directly and naturally resulting, in the ordinary course of events from the breach of warranty.

(7.) In the case of breach of warranty of quality, such loss, in the absence of special circumstances showing proximate damage of a greater amount, is the difference between the value of the goods at the time of delivery to the buyer and the value they would have had if they had answered in the warranty.[10]

SECTION 70. Nothing in this act shall affect the right of the buyer or the seller to recover interest or special damages in any case where by law interest or special damages may be recoverable, or to recover money paid where the consideration for the payment of it has failed.

10—This section differs materially from the corresponding section in the English Act. The law followed in the American statute is that of the State of Massachusetts, and is contrary to that prevailing in many states. See, Thornton v. Wynn, 12 Wheaton, (N. S.) 183. The English Act is as follows:

(1.) Where there is a breach of warranty by the seller, or where the buyer elects, or is compelled, to treat any breach of a condition on the part of the seller as a breach of warranty, the buyer is not by reason only of such breach of warranty entitled to reject the goods; but he may

(*a.*) set up against the seller the breach of warranty in diminution or extinction of the price; or

(*b.*) maintain an action against the seller for damages for the breach of warranty.

(2.) The measure of damages for breach of warranty is the estimated loss directly and naturally resulting, in the ordinary course of events, from the breach of warranty.

(3.) In the case of breach of warranty of quality such loss is *prima facie* the difference between the value of the goods at the time of delivery to the buyer and the value they would have had if they had answered to the warranty.

(4.) The fact that the buyer has set up the breach of warranty in diminution or extinction of the price does not prevent him from maintaining an action for the same breach of warranty if he has suffered further damage.

(5.) Nothing in this section shall prejudice or affect the buyer's right of rejection in Scotland as declared by this Act.

Digitized by Google

PART VI.

INTERPRETATION.

SECTION 71. Where any right, duty, or liability would arise under a contract to sell or a sale by implication of law, it may be negatived or varied by express agreement or by the course of dealing between the parties, or by custom, if the custom be such as to bind both parties to the contract or the sale.

SECTION 72. Where any right, duty or liability is declared by this act, it may, unless otherwise by this act provided, be enforced by action.

SECTION 73. In any case not provided for in this act, the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy, or other invalidating cause, shall continue to apply to contracts to sell and to sales of goods.

SECTION 74. This act shall be interpreted and construed, if possible, as to effectuate its general purpose to make uniform the law of those states which enact it.[11]

SECTION 75. The provisions of this act relating to contracts to sell and to sales do not apply, unless so stated, to any transaction in the form of a contract to sell or a sale which is intended to operate by way of mortgage, pledge, charge, or other security.

SECTION 76. (1.) In this act, unless the context or subject matter otherwise requires—

"Action" includes counterclaim, set-off and suit in equity.

"Buyer" means a person who buys or agrees to buy goods or any legal successor in interest of such person.

"Defendant" includes a plaintiff against whom a right or set-off or counterclaim is asserted.

"Delivery" means voluntary transfer of possession from one person to another.

"Divisible contract to sell or sale" means a contract to sell or a sale in which by its terms the price for a portion or portions of the goods less than the whole is fixed or ascertainable by computation.

"Document of title to goods" includes any bill of lading, dock warrant, warehouse receipt or order for the delivery of goods, or any other document used in the ordinary course of business in the sale or transfer of goods, as proof of the possession or control of the goods, or authorizing or purporting to authorize the possessor of the document to transfer or

11—This section is a new one, and is designed to introduce a new principle of statutory interpretation in regard to codified subjects of law seeking uniformity in the several states.

Digitized by Google

receive, either by indorsement or by delivery, goods represented by such document.

"Fault" means wrongful act or default.

"Fungible goods" means goods of which any unit is from its nature or by mercantile usage treated as the equivalent of any other unit.

"Future goods" means goods to be manufactured or acquired by the seller after the making of the contract of sale.

"Goods" include all chattels personal other than things in action and money. The term includes emblements, industrial growing crops, and things attached to or forming part of the land which are agreed to be severed before sale or under the contract of sale.

"Order" in sections of this act relating to documents of title means an order by indorsement on the document.

"Person" includes a corporation or partnership or two or more persons having a joint or common interest.

"Plaintiff" includes defendant asserting a right of set-off or counter-claim.

"Property" means the general property in goods, and not merely a special property.

"Purchaser" includes mortgagee and pledgee.

"Purchases" includes taking as a mortgagee or as a pledgee.

"Quality of goods" includes their state or condition.

"Sale" includes a bargain and sale as well as a sale and delivery.

"Seller" means a person who sells or agrees to sell goods, or any legal successor in interest of such person.

"Specific goods" means goods identified and agreed upon at the time a contract to sell or sale is made.

"Value" is any consideration sufficient to support a simple contract. An antecedent or pre-existing claim, whether for money or not, constitutes value where goods or documents of title are taken either in satisfaction thereof, or as security therefor.

(2.) A thing is done "in good faith" within the meaning of this act when it is in fact done honestly, whether it be done negligently or not.

(3.) A person is insolvent within the meaning of this act who either has ceased to pay his debts in the ordinary course of business or can not pay his debts as they become due, whether he has committed an act of bankruptcy or not, and whether he is insolvent within the meaning of the federal bankruptcy law or not.

(4.) Goods are in a "deliverable state" within the meaning of this act when they are in such a state that the buyer would, under the contract, be bound to take delivery of them.

SECTION 77. This act shall take effect on the first day of January, one thousand nine hundred and nine.

Digitized by Google

UNIFORM LAW OF WAREHOUSE RECEIPTS.

AN ACT

To establish a law uniform with the laws of other states on warehouse receipts.[1]

PART I.

THE ISSUE OF WAREHOUSE RECEIPTS.

SECTION 1. Warehouse receipts may be issued by any warehouseman.

SECTION 2. Warehouse receipts need not be in any particular form, but every such receipt must embody within its written or printed terms—

(a) The location of the warehouse where the goods are stored.

(b) The date of issue of the receipt.

(c) The consecutive number of the receipt.

(d) A statement whether the goods received will be delivered to the bearer, to a specified person, or to a specified person or his order.

(e) The rate of storage charges.

(f) A description of the goods or of the packages containing them.

(g) The signature of the warehouseman, which may be made by his authorized agent.

(h) If the receipt is issued for goods of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership, and

(i) A statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien. If the precise amount of such advances made or of such liabilities incurred, is, at the time of the issue of the receipt, unknown to the warehouseman or to his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof is sufficient.

A warehouseman shall be liable to any person injured thereby, for

1—This Act was passed by the Ohio legislature, May 9, 1908.

Digitized by Google

all damage caused by the omission from a negotiable receipt of any of the terms herein required.

SECTION 3. A warehouseman may insert in a receipt, issued by him, any other terms and conditions, provided that such terms and conditions shall not—

(a) Be contrary to the provisions of this act.

(b) In any wise impair his obligation to exercise that degree of care in the safe-keeping of the goods entrusted to him which a reasonably careful man would exercise in regard to similar goods of his own.

SECTION 4. A receipt in which it is stated that the goods received will be delivered to the depositor, or to any other specified person, is a non-negotiable receipt.

SECTION 5. A receipt in which it is stated that the goods received will be delivered to the bearer, or to the order of any person named in such receipt is a negotiable receipt.

No provision shall be inserted in a negotiable receipt that it is non-negotiable. Such provision, if inserted, shall be void.

SECTION 6. When more than one negotiable receipt is issued for the same goods, the word "duplicate" shall be plainly placed upon the face of every such receipt, except the one first issued. A warehouseman shall be liable for all damage caused by his failure so to do to any one who purchased the subsequent receipt for value supposing it to be an original, even though the purchase be after the delivery of the goods by the warehouseman to the holder of the original receipt.

SECTION 7. A non-negotiable receipt shall have plainly placed upon its face by the warehouseman issuing it "non-negotiable," or "not negotiable." In case of the warehouseman's failure so to do, a holder of the receipt who purchased it for value supposing it to be negotiable, may, at his option, treat such receipt as imposing upon the warehouseman the same liabilities he would have incurred had the receipt been negotiable.

This section shall not apply, however, to letters, memoranda, or written acknowledgments of an informal character.

PART II.

OBLIGATIONS AND RIGHTS OF WAREHOUSEMEN UPON THEIR RECEIPTS.

SECTION 8. A warehouseman, in the absence of some lawful excuse provided by this act, is bound to deliver the goods upon a demand made either by the holder of a receipt for the goods or by the depositor, if such demand is accompanied with—

Digitized by Google

(a) An offer to satisfy the warehouseman's lien;

(b) An offer to surrender the receipt if negotiable, with such indorsements as would be necessary for the negotiation of the receipt; and

(c) A readiness and willingness to sign, when the goods are delivered, an acknowledgment that they have been delivered, if such signature is requested by the warehouseman.

In case the warehouseman refuses or fails to deliver the goods in compliance with a demand by the holder or depositor so accompanied, the burden shall be upon the warehouseman to establish the existence of a lawful excuse for such refusal.

SECTION 9. A warehouseman is justified in delivering the goods, subject to the provisions of the three following sections, to one who is—

(a) The person lawfully entitled to the possession of the goods, or his agent;

(b) A person who is either himself entitled to delivery by the terms of a non-negotiable receipt issued for the goods, or who has written authority from the person so entitled either indorsed upon the receipt or written upon another paper, or,

(c) A person in possession of a negotiable receipt by the terms of which the goods are deliverable to him or order or to bearer, or which has been indorsed to him or in blank by the person to whom delivery was promised by the terms of the receipt or by his mediate or immediate indorsee.

SECTION 10. Where a warehouseman delivers the goods to one who is not in fact lawfully entitled to the possession of them, the warehouseman shall be liable as for conversion to all having a right of property or possession in the goods if he delivered the goods otherwise than as authorized by subdivisions (b) and (c) of the preceding section and though he delivered the goods as authorized by said subdivisions he shall be so liable, if prior to such delivery he had either—

(a) Been requested, by or on behalf of the person lawfully entitled to a right of property or possession in the goods, not to make such delivery, or,

(b) Had information that the delivery about to be made was to one not lawfully entitled to the possession of the goods.

SECTION 11. Except as provided in section 36, where a warehouseman delivers goods for which he has issued a negotiable receipt, the negotiation of which would transfer the right to the possession of the goods, and fails to take up and cancel the receipt, he shall be liable to any one who purchases for value in good faith such receipt, for failure to deliver the goods to him, whether such purchaser acquired title to the receipt before or after the delivery of the goods by the warehouseman.

SECTION 12. Except as provided in section 36, where a warehouseman

Digitized by Google

delivers part of the goods for which he has issued a negotiable receipt and fails either to take up and cancel such receipt, or to place plainly upon it a statement of what goods or packages have been delivered he shall be liable, to any one who purchases for value in good faith such receipt, for failure to deliver all the goods specified in the receipt, whether such purchaser acquired title to the receipt before or after the delivery of any portion of the goods by the warehouseman.

SECTION 13. The alteration of a receipt shall not excuse the warehouseman who issued it from any liability if such alteration was

(a) Immaterial,

(b) Authorized, or

(c) Made without fraudulent intent.

If the alteration was authorized, the warehouseman shall be liable according to the terms of the receipt as altered. If the alteration was unauthorized, but made without fraudulent intent, the warehouseman shall be liable according to the terms of the receipt, as they were before alteration.

Material and fraudulent alteration of a receipt shall not excuse the warehouseman who issued it from liability to deliver, according to the terms of the receipt as originally issued, the goods for which it was issued, but shall excuse him from any other liability to the person who made the alteration and to any person who took with notice of the alteration. Any purchaser of the receipt for value without notice of the alteration shall acquire the same rights against the warehouseman which such purchaser would have acquired if the receipt had not been altered at the time of the purchase.

SECTION 14. Where a negotiable receipt has been lost or destroyed, a court of competent jurisdiction may order the delivery of the goods upon satisfactory proof of such loss or destruction and upon the giving of a bond with sufficient sureties to be approved by the court to protect the warehouseman from any liability or expense, which he or any person injured by such delivery may incur by reason of the original receipt remaining outstanding. The court may also in its discretion order the payment of the warehouseman's reasonable costs and counsel fees.

The delivery of the goods under an order of the court as provided in this section, shall not relieve the warehouseman from liability to a person to whom the negotiable receipt has been or shall be negotiated for value without notice of the proceedings or of the delivery of the goods.

SECTION 15. A receipt upon the face of which the word "duplicate" is plainly placed is a representation and warranty by the warehouseman that such receipt is an accurate copy of an original receipt properly issued and uncancelled at the date of the issue of the duplicate, but shall impose upon him no other liability.

Digitized by Google

SECTION 16. No title or right to the possession of the goods, on the part of the warehouseman, unless such title or right is derived directly or indirectly from a transfer made by the depositor at the time of or subsequent to the deposit for storage, or from the warehouseman's lien, shall excuse the warehouseman from liability for refusing to deliver the goods according to the terms of the receipt.

SECTION 17. If more than one person claim the title or possession of the goods, the warehouseman may, either as a defense to an action brought against him for non-delivery of the goods, or as an original suit, whichever is appropriate, require all known claimants to interplead.

SECTION 18. If some one other than the depositor or person claiming under him has a claim to the title or possession of the goods, and the warehouseman has information of such claim, the warehouseman shall be excused from liability for refusing to deliver the goods, either to the depositor or person claiming under him or to the adverse claimant, until the warehouseman has had a reasonable time to ascertain the validity of the adverse claim or to bring legal proceedings to compel all claimants to interplead.

SECTION 19. Except as provided in the two preceding sections and in sections 9 and 36, no right or title of a third person shall be a defense to an action brought by the depositor or person claiming under him against the warehouseman for failure to deliver the goods according to the terms of the receipt.

SECTION 20. A warehouseman shall be liable to the holder of a receipt for damages caused by the non-existence of the goods or by the failure of the goods to correspond with the description thereof in the receipt at the time of its issue. If, however, the goods are described in a receipt merely by a statement of marks or labels upon them, or upon packages containing them, or by a statement that the goods are said to be goods of a certain kind, or the packages containing the goods are said to contain goods of a certain kind, or by words of like purport, such statements, if true, shall not make liable the warehouseman issuing the receipt, although the goods are not of the kind which the marks or labels upon them indicate, or of the kind they were said to be by the depositor.

SECTION 21. A warehouseman shall be liable for any loss or injury to the goods caused by his failure to exercise such care in regard to them as a reasonably careful owner of similar goods would exercise, but he shall not be liable, in the absence of an agreement to the contrary, for any loss or injury to the goods which could not have been avoided by the exercise of such care.

SECTION 22. Except as provided in the following section, a warehouseman shall keep the goods so far separate from goods of other de-

Digitized by Google

positors, and from other goods of the same depositor for which a separate receipt has been issued, as to permit at all times the identification and re-delivery of the goods deposited.

SECTION 23. If authorized by agreement or by custom, a warehouseman may mingle fungible goods with other goods of the same kind and grade. In such case the various depositors of the mingled goods shall own the entire mass in common, and each depositor shall be entitled to such portion thereof as the amount deposited by him bears to the whole.

SECTION 24. The warehouseman shall be severally liable to each depositor for the care and re-delivery of his share of such mass to the same extent and under the same circumstances as if the goods had been kept separate.

SECTION 25. If goods are delivered to a warehouseman by the owner or by a person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner, and a negotiable receipt is issued for them, they cannot thereafter, while in the possession of the warehouseman, be attached by garnishment or otherwise, or be levied upon under an execution, unless the receipt be first surrendered to the warehouseman, or its negotiation enjoined. The warehouseman shall in no case be compelled to deliver up the actual possession of the goods until the receipt is surrendered to him or impounded by the court.

SECTION 26. A creditor whose debtor is the owner of a negotiable receipt shall be entitled to such aid from courts of appropriate jurisdiction, by injunction and otherwise, in attaching such receipt or in satisfying the claim by means thereof as is allowed at law or in equity, in regard to property which cannot readily be attached or levied upon by ordinary legal process.

SECTION 27. Subject to the provisions of section 30, a warehouseman shall have a lien on goods deposited or on the proceeds thereof in his hands, for all lawful charges for storage and preservation of the goods; also for all lawful claims for money advanced, interest, insurance, transportation, labor, weighing, coopering and other charges and expenses in relation to such goods; also for all reasonable charges and expenses for notice, and advertisements of sale, and for sale of the goods where default has been made in satisfying the warehouseman's lien.

SECTION 28. Subject to the provisions of section 30, a warehouseman's lien may be enforced:

(a) Against all goods, whenever deposited, belonging to the person who is liable as debtor for the claims in regard to which the lien is asserted, and

(b) Against all goods belonging to others which have been deposited at any time by the person who is liable as debtor for the claims in regard

Digitized by Google

to which the lien is asserted, if such person had been so entrusted with the possession of the goods that a pledge of the same by him at the time of the deposit to one who took the goods in good faith for value would have been valid.

SECTION 29. A warehouseman loses his lien upon goods:

(a) By surrendering possession thereof, or

(b) By refusing to deliver the goods when a demand is made with which he is bound to comply under the provisions of this act.

SECTION 30. If a negotiable receipt is issued for goods, the warehouseman shall have no lien thereon, except for charges for storage of those goods subsequent to the date of the receipt, unless the receipt expressly enumerates other charges for which a lien is claimed. In such case there shall be a lien for the charges enumerated so far as they are within the terms of section 27, although the amount of the charges so enumerated is not stated in the receipt.

SECTION 31. A warehouseman having a lien valid again the person demanding the goods may refuse to deliver the goods to him until the lien is satisfied.

SECTION 32. Whether a warehouseman has or has not a lien upon the goods, he is entitled to all remedies allowed by law to a creditor against his debtor, for the collection from the depositor of all charges and advances which the depositor has expressly or impliedly contracted with the warehouseman to pay.

SECTION 33. A warehouseman's lien for a claim which has become due may be satisfied as follows:

The warehouseman shall give a written notice to the person on whose account the goods are held, and to any other person known by the warehouseman to claim an interest in the goods. Such notice shall be given by delivery in person or by registered letter addressed to the last known place of business or abode of the person to be notified. The notice shall contain:

(a) An itemized statement of the warehouseman's claim, showing the sum due at the time of the notice and the date or dates when it became due.

(b) A brief description of the goods against which the lien exists.

(c) A demand that the amount of the claim as stated in the notice, and of such further claim as shall accrue, shall be paid on or before a day mentioned, not less than ten days from the delivery of the notice if it is personally delivered, or from the time when the notice should reach its destination, according to the due course of post, if the notice is sent by mail, and

(d) A statement that unless the claim is paid within the time speci-

Digitized by Google

fied the goods will be advertised for sale and sold by auction at a specified time and place.

In accordance with the terms of a notice so given, a sale of the goods by auction may be had to satisfy any valid claim of the warehouseman for which he has a lien on the goods. The sale shall be had in the place where the lien was acquired, or, if such place is manifestly unsuitable for the purpose, at the nearest suitable place. After the time for the payment of the claim specified in the notice to the depositor has elapsed, an advertisement of the sale, describing the goods to be sold, and stating the name of the owner or person on whose account the goods are held, and the time and place of the sale, shall be published once a week for two consecutive weeks in a newspaper published in the place where such sale is to be held. The sale shall not be held less than fifteen days from the time of the first publication. If there is no newspaper published in such place, the advertisement shall be posted at least ten days before such sale in not less than six conspicuous places therein.

From the proceeds of such sale the warehouseman shall satisfy his lien, including the reasonable charges of notice, advertisement, and sale. The balance, if any, of such proceeds shall be held by the warehouseman, and delivered on demand to the person to whom he would have been bound to deliver or justified in delivering the goods.

At any time before the goods are so sold any person claiming a right of property or possession therein may pay the warehouseman the amount necessary to satisfy his lien and to pay the reasonable expenses and liabilities incurred in serving notices and advertising and preparing for the sale up to the time of such payment. The warehouseman shall deliver the goods to the person making such payment if he is a person entitled, under the provisions of this act, to the possession of the goods on payment of charges thereon. Otherwise the warehouseman shall retain possession of the goods according to the terms of the original contract of deposit.

SECTION 34. If goods are of a perishable nature, or by keeping will deteriorate greatly in value, or by their odor, leakage, inflammability, or explosive nature, will be liable to injure other property, the warehouseman may give such notice to the owner, or to the person in whose name the goods are stored, as is reasonable and possible under the circumstances, to satisfy the lien upon such goods and to remove them from the warehouse and in the event of failure of such person to satisfy the lien and to remove the goods within the time so specified, the warehouseman may sell the goods at public or private sale without advertising. If the warehouseman after a reasonable effort is unable to sell such goods, he may dispose of them in any lawful manner, and shall incur no liability by reason thereof.

Digitized by Google

The proceeds of any sale made under the terms of this section shall be disposed of in the same way as the proceeds of sales made under the terms of the preceding section.

SECTION 35. The remedy for enforcing a lien herein provided does not preclude any other remedies allowed by law for the enforcement of a lien against personal property nor bar the right to recover so much of the warehouseman's claim as shall not be paid by the proceeds of the sale of the property.

SECTION 36. After goods have been lawfully sold to satisfy a warehouseman's lien, or have been lawfully sold or disposed of because of their perishable or hazardous nature, the warehouseman shall not thereafter be liable for failure to deliver the goods to the depositor, or owner of the goods, or to a holder of the receipt given for the goods when they were deposited, even if such receipt be negotiable.

PART III.

NEGOTIATION AND TRANSFER OF RECEIPTS.

SECTION 37. A negotiable receipt may be negotiated by delivery:

(a) Where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the bearer, or

(b) Where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of a specified person, and such person or a subsequent indorsee of the receipt has indorsed it in blank or to bearer.

Where, by the terms of a negotiable receipt, the goods are deliverable to bearer or where a negotiable receipt has been indorsed in blank or to bearer, any holder may indorse the same to himself or to any other specified person, and in such case the receipt shall thereafter be negotiated only by the indorsement of such indorsee.

SECTION 38. A negotiable receipt may be negotiated by the indorsement of the person to whose order the goods are, by the terms of the receipt, deliverable. Such indorsement may be in blank, to bearer or to a specified person. If indorsed to a specified person, it may be again negotiated by the indorsement of such person in blank, to bearer or to another specified person. Subsequent negotiation may be made in like manner.

SECTION 39. A receipt which is not in such form that it can be negotiated by delivery may be transferred by the holder by delivery to a purchaser or donee.

A non-negotiable receipt cannot be negotiated, and the indorsement of such a receipt gives the transferee no additional right.

Digitized by Google

SECTION 40. A negotiable receipt may be negotiated—

(a) By the owner thereof, or,

(b) By any person to whom the possession or custody of the receipt has been entrusted by the owner, if, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of the person to whom the possession or custody of the receipt has been entrusted, or if at the time of such entrusting the receipt is in such form that it may be negotiated by delivery.

SECTION 41. A person to whom a negotiable receipt has been duly negotiated acquires thereby—

(a) Such title to the goods as the person negotiating the receipt to him had or had ability to convey to a purchaser in good faith for value, and also such title to the goods as the depositor or person to whose order the goods were to be delivered by the terms of the receipt had or had ability to convey to a purchaser in good faith for value, and,

(b) The direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt as fully as if the warehouseman had contracted directly with him.

SECTION 42. A person to whom a receipt has been transferred but not negotiated, acquires thereby, as against the transferrer, the title to the goods, subject to the terms of any agreement with the transferrer.

If the receipt is non-negotiable such person also acquires the right to notify the warehouseman of the transfer to him of such receipt, and thereby to acquire the direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt.

Prior to the notification of the warehouseman by the transferrer or transferee of a non-negotiable receipt, the title of the transferee to the goods and the right to acquire the obligation of the warehouseman may be defeated by the levy of an attachment or execution upon the goods by a creditor of the transferrer, or by a notification to the warehouseman by the transferrer or a subsequent purchaser from the transferrer of a subsequent sale of the goods by the transferrer.

SECTION 43. Where a negotiable receipt is transferred for value by delivery, and the indorsement of the transferrer is essential for negotiation, the transferee acquires a right against the transferrer to compel him to indorse the receipt, unless a contrary intention appears. The negotiation shall take effect as of the time when the indorsement is actually made.

SECTION 44. A person who for value negotiates or transfers a receipt by indorsement or delivery, including one who assigns for value a claim secured by a receipt, unless a contrary intention appears, warrants—

Digitized by Google

(a) That the receipt is genuine,

(b) That he has a legal right to negotiate or transfer it,

(c) That he has knowledge of no fact which would impair the validity or worth of the receipt, and

(d) That he has a right to transfer the title to the goods, and that the goods are merchantable or fit for a particular purpose whenever such warranties would have been implied, if the contract of the parties had been to transfer without a receipt the goods represented thereby.

SECTION 45. The indorsement of a receipt shall not make the indorser liable for any failure on the part of the warehouseman or previous indorsers of the receipt to fulfill their respective obligations.

SECTION 46. A mortgagee, pledgee or holder for security of a receipt who in good faith demands or receives payment of the debt for which such receipt is security, whether from a party to a draft drawn for such debt or from any other person, shall not by so doing be deemed to represent or to warrant the genuineness of such receipt or the quantity or quality of the goods therein described.

SECTION 47. The validity of the negotiation of a receipt is not impaired by the fact that such negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the receipt was induced by fraud, mistake or duress to entrust the possession or custody of the receipt to such person, if the person to whom the receipt was negotiated, or a person to whom the receipt was subsequently negotiated, paid value therefor, without notice of the breach of duty, or fraud, mistake, or duress.

SECTION 48. Where a person having sold, mortgaged, or pledged goods which are in a warehouse and for which a negotiable receipt has been issued, or having sold, mortgaged, or pledged the negotiable receipt representing such goods, continues in possession of the negotiable receipt, the subsequent negotiation thereof by that person under any sale, or other disposition thereof to any person receiving the same in good faith, for value and without notice of the previous sale, mortgage or pledge, shall have the same effect as if the first purchaser of the goods or receipt had expressly authorized the subsequent negotiation.

SECTION 49. Where a negotiable receipt has been issued for goods, no seller's lien or right of stoppage in transitu shall defeat the rights of any purchaser for value in good faith to whom such receipt has been negotiated, whether such negotiations be prior or subsequent to the notification to the warehouseman who issued such receipt of the seller's claim to a lien or right of stoppage in transitu. Nor shall the warehouseman be obliged to deliver or justified in delivering the goods to an unpaid seller unless the receipt is first surrendered for cancellation.

Digitized by Google

PART IV.

CRIMINAL OFFENSES.

SECTION 50. A warehouseman, or any officer, agent, or servant of a warehouseman, who issues or aids in issuing a receipt knowing that the goods for which such receipt is issued have not been actually received by such warehouseman, or are not under his actual control at the time of issuing such receipt, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment in the penitentiary not exceeding five years, or by a fine not exceeding five thousand dollars or by both.

SECTION 51. A warehouseman, or any officer, agent, or servant of a warehouseman, who fraudulently issues or aids in fraudulently issuing a receipt for goods knowing that it contains any false statement, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment in the penitentiary not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

SECTION 52. A warehouseman, or any officer, agent, or servant of a warehouseman, who issues or aids in issuing a duplicate or additional negotiable receipt for goods knowing that a former negotiable receipt for the same goods or any part of them is outstanding and uncanceled, without plainly placing upon the face thereof the word "Duplicate," except in the case of a lost or destroyed receipt after proceedings as provided for in section 14, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment in the penitentiary not exceeding five years, or by a fine not exceeding five thousand dollars, or by both.

SECTION 53. Where there are deposited with or held by a warehouseman goods of which he is owner, either solely or jointly or in common with others, such warehouseman or any of his officers, agents, or servants who, knowing this ownership, issues or aids in issuing a negotiable receipt for such goods which does not state such ownership, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

SECTION 54. A warehouseman, or any officer, agent, or servant of a warehouseman, who delivers goods out of the possession of such warehouseman, knowing that a negotiable receipt the negotiation of which would transfer the right to the possession of such goods is outstanding and uncanceled, without obtaining the possession of such receipt at or before the time of such delivery, shall, except in the cases provided for

Digitized by Google

in sections 14 and 36, be found guilty of a crime, and upon conviction shall be punished for each offense by imprisonment in the penitentiary not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

SECTION 55. Any person who deposits goods to which he has not title, or upon which there is a lien or mortgage, and who takes for such goods a negotiable receipt which he afterwards negotiates for value with intent to deceive and without disclosing his want of title or the existence of the lien or mortgage shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment in the penitentiary not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

PART V.

INTERPRETATION.

SECTION 56. In any case not provided for in this act, the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy, or other invalidating cause, shall govern.

SECTION 57. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

SECTION 58 (1) In this act, unless the context or subject matter otherwise requires—

"Action" includes counter-claim, set-off, and suit in equity.

"Delivery" means voluntary transfer of possession from one person to another.

"Fungible goods" means goods of which any unit is, from its nature or by mercantile custom, treated as the equivalent of any other unit.

"Goods" means chattels or merchandise in storage, or which has been or is about to be stored.

"Holder" of a receipt means a person who has both actual possession of such receipt and a right of property thereon.

"Order" means an order by indorsement on the receipt.

"Owner" does not include mortgagee or pledgee.

"Person" includes a corporation or partnership or two or more persons having a point or common interest.

To "purchase" includes to take as mortgagee or as pledgee.

"Purchaser" includes mortgagee and pledgee.

Digitized by Google

"Receipt" means a warehouse receipt.

"Value" is any consideration sufficient to support a simple contract. An antecedent or pre-existing obligation, whether for money or not, constitutes value where a receipt is taken either in satisfaction thereof or as security therefor.

"Warehouseman" means a person lawfully engaged in the business of storing goods for profit.

(2) A thing is done "in good faith" within the meaning of this act, when it is in fact done honestly, whether it be done negligently or not.

SECTION 59. The provisions of this act do not apply to receipts made and delivered prior to the taking effect of this act.

SECTION 60. This act shall take effect and be in force on and after the first day of January, one thousand nine hundred and nine.

Digitized by Google

MAGNA CHARTA.

The following is a full translation of the Great Charter, justly called by Hallom "the keystone of English liberty," and undoubtedly the precursor of that spirit of independence upon the part of the English people that made possible the foundations and subsequent freedom of the American States. It is today the basis and bulwark of the cherished rights and immunities of all English speaking people.

John, by the grace of God King of England, Lord of Ireland, Duke of Normandy, Aquitaine, and Count of Anjou, to his Archbishops, Bishops, Abbots, Earls, Barons, Justiciaries, Foresters, Sheriffs, Governors, Officers, and to all Bailiffs, and his lieges, greeting. Know ye, that we, in the presence of God, and for the salvation of our soul, and the souls of all our ancestors and heirs, and unto the honour of God and the advancement of Holy Church, and amendment of our Realm, by advice of our venerable Fathers, STEPHEN, Archbishop of Canterbury, Primate of all England and Cardinal of the Holy Roman Church, HENRY, Archbishop of Dublin, WILLIAM of London, PETER of Winchester, JOCELIN of Bath and Glastonbury, HUGH of Lincoln, WALTER of Worcester, WILLIAM of Coventry, BENEDICT of Rochester, Bishops; of Master PANDULPH, Sub-Deacon and Familiar of our Lord the Pope, Brother AYMERIC, Master of the Knights-Templars in England; and of the Noble Persons, WILLIAM MARESCALL, Earl of Pembroke, WILLIAM, Earl of Salisbury, WILLIAM, Earl of Warren, WILLIAM, Earl of Arundel, ALAN DE GALLOWAY, Constable of Scotland, WARIN FITZ GERALD, PETER FITZ HERBERT, and HUBERT DE BURGH, Seneschal of Poitou, HUGH DE NEVILLE, MATTHEW FITZ HERBERT, THOMAS BASSET, ALAN BASSET, PHILIP OF ALBINEY, ROBERT DE ROTPELL, JOHN MARESCHAL, JOHN FITZ HUGH, and others our liegemen, have, in the first place, granted to God, and by this our present Charter confirmed, for us and our heirs for ever:

1. That the Church of England shall be free, and have her whole rights, and her liberties inviolable; and we will have them so observed, that it may appear thence, that the freedom of elections, which is reckoned chief and indispensable to the English Church, and which we granted and confirmed by our Charter, and obtained the confirmation of the same from our Lord the Pope Innocent III., before the discord between us and our barons, was granted of mere free will; which Charter we

Digitized by Google

shall observe, and we do will it to be faithfully observed by our heirs for ever.

2. We also have granted to all the freemen of our kingdom, for us and for our heirs for ever, all the underwritten liberties, to be had and holden by them and their heirs, of us and our heirs for ever: If any of our earls, or barons, or others, who hold of us in chief by military service, shall die, and at the time of his death his heir shall be of full age, and owes a relief, he shall have his inheritance by the ancient relief; that is to say, the heir or heirs of an earl, for a whole earldom, by a hundred pounds; the heir or heirs of a baron, for a whole barony, by a hundred pounds the heir or heirs of a knight, for a whole knight's fee, by a hundred shillings at most; and whoever oweth less shall give less, according to the ancient custom of fees.

3. But if the heir of any such shall be under age, and shall be in ward when he comes of age, he shall have his inheritance without relief and without fine.

4. The keeper of the land of such an heir being under age, shall take of the land of the heir none but reasonable issues, reasonable customs, and reasonable services, and that without destruction and waste of his men and his goods; and if we commit the custody of any such lands to the sheriff, or any other who is answerable to us for the issues of the land, and he shall make destruction and waste of the lands which he hath in custody, we will take of him amends, and the land shall be committed to two lawful and discreet men of that fee, who shall answer for the issues to us, or to him to whom we shall assign them; and if we sell or give to any one the custody of any such lands, and he therein make destruction or waste, he shall lose the same custody, which shall be committed to two lawful and discreet men of that fee, who shall in like manner answer to us as aforesaid.

5. But the keeper, so long as he shall have the custody of the land, shall keep up the houses, parks, warrens, ponds, mills, and other things pertaining to the land, out of the issues of the same land; and shall deliver to the heir, when he comes of full age, his whole land, stocked with ploughs and carriages, according as the time of wainage shall require, and the issues of the land can reasonably bear.

6. Heirs shall be married without disparagement, and so that before matrimony shall be contracted those who are near in blood to the heir shall have notice.

7. A widow, after the death of her husband, shall forthwith and without difficulty have her marriage and inheritance; nor shall she give anything for her dower, or her marriage, or her inheritance, which her husband and she held at the day of his death; and she may remain in the

Digitized by Google

mansion house of her husband forty days after his death, within which term her dower shall be assigned.

8. No widow shall be distrained to marry herself, so long as she has a mind to live without a husband; but yet she shall give security that she will not marry without our assent, if she holds of us; or without the consent of the lord of whom she holds, if she holds of another.

9. Neither we nor our bailiffs shall seize any land or rent for any debt, so long as the chattels of the debtor are sufficient to pay the debt; nor shall the sureties of the debtor be distrained so long as the principal debtor is sufficient for the payment of the debt; and if the principal debtor shall fail in the payment of the debt, not having wherewithal to pay it, then the sureties shall answer the debt; and if they will they shall have the lands and rents of the debtor, until they shall be satisfied for the debt which they paid for him, unless the principal debtor can show himself acquitted thereof against the said sureties.

10. If any one have borrowed anything of the Jews more or less, and die before the debt be satisfied, there shall be no interest paid for that debt, so long as the heir is under age, or whomsoever he may hold; and if the debt fall into our hands we will only take the chattel mentioned in the deed.

11. And if any one shall die indebted to the Jews, his wife shall have her dower and pay nothing of that debt; and if the deceased left children under age, they shall have necessaries provided for them, according to the tenement of the deceased; and out of the residue the debt shall be paid, saving however the service due to the lords; and in like manner shall it be done touching debts due to others than the Jews.

12. No scutage or aid shall be imposed in our kingdom, unless by the general council of our kingdom; except for ransoming our person, making our eldest son a knight, and once for marrying our eldest daughter; and for these there shall be paid a reasonable aid. In like manner it shall be concerning the aids of the City of London.

13. And the City of London shall have all its ancient liberties and free customs, as well by land as by water; furthermore we will and grant, that all other cities and boroughs, and towns and ports, shall have all their liberties and free customs.

14. And for holding the general council of the kingdom concerning the assessment of aids, except in the three cases aforesaid, and for the assessing of scutages, we shall cause to be summoned the archbishops, bishops, abbots, earls, and greater barons of the realm, singly by our letters. And furthermore we shall cause to be summoned generally by our sheriffs and bailiffs, all others who hold of us in chief, for a certain day, that is to say, forty days before their meeting at least, and to a

Digitized by Google

certain place; and in all letters of such summons we will declare the cause of such summons. And summons being thus made, the business of the day shall proceed on the day appointed, according to the advice of such as shall be present, although all that were summoned com: not.

15. We will not for the future grant to any one that he may take aid of his own free tenants, unless to ransom his body, and to make his eldest son a knight, and once to marry his eldest daughter; and for this there shall be only paid a reasonable aid.

16. No man shall be distrained to perform more service for a knight's fee, or other free tenement, than is due from thence.

17. Common pleas shall not follow our court, but shall be holden in some place certain.

18. Assizes of novel disseisin, and of mort d'ancestor, and of darrien presentment, shall not be taken but in their proper counties, and after this manner: We, or, if we should be out of the realm, our chief justiciary, shall send two justiciaries through every county four times a year, who, with four knights, chosen out of every shire by the people, shall hold the said assizes, in the county, on the day, and at the place appointed.

19. And if any matters cannot be determined on the day appointed for holding the assizes in each county, so many of the knights and freeholders as have been at the assizes aforesaid, shall stay to decide them, as is necessary, according as there is more or less business.

20. A freeman shall not be amerced for a small fault, but after the manner of the fault; and for a great crime according to the heinousness of it, saving to him his contenement; and after the same manner a merchant, saving to him his merchandise. And a villein shall be amerced after the same manner, saving to him his wainage, if he falls under our mercy; and none of the aforesaid amerciaments shall be assessed but by the oath of honest men in the neighborhood.

21. Earls and barons shall not be amerced, but by their peers, and after the degree of the offense.

22. No ecclesiastical person shall be amerced for his lay tenement, but according to the proportion of the others aforesaid, and not according to the value of his ecclesiastical benefice.

23. Neither a town nor any tenant shall be distrained to make bridges or banks, unless that anciently and of right they are bound to do it.

24. No sheriff, constable, coroner or other our bailiffs, shall hold pleas of the Crown.

25. All counties, hundreds, wapentakes, and tythings, shall stand at the old rents, without any increase, except in our demense manors.

Digitized by Google

26. If any one holding of us a lay-fee die, and the sheriff, or our bailiffs, show our letters patent, of summons for debt which the dead man did owe to us, it shall be lawful for the sheriff or our bailiff to attach and inroll the chattels of the dead, found upon his lay-fee, to the value of the debt, by the view of lawful men, so as nothing be removed until our whole clear debt be paid; and the rest shall be left to the executors, to fulfill the testament of the dead, and if there be nothing due from him to us, all the chattels shall go to the use of the dead, saving to his wife and children their reasonable shares.

27. If any freeman shall die intestate, his chattels shall be distributed by the hands of his nearest relations and friends, by view of the church; saving to every one his debts which the deceased owed to him.

28. No constable or bailiff of ours shall take corn or other chattels of any man, unless he presently give him money for it, or hath respite of payment by the good-will of the seller.

29. No constable shall distrain any knight to give money for castle guard, if he himself will do it in his person, or by another able man in case he cannot do it through any reasonable cause. And if we lead him, or send him in an army, he shall be free from such guard for the time he shall be in the army by our command.

30. No sheriff or bailiff of ours, or any other, shall take horses or carts of any freeman for carriage, but by the good-will of the said freeman.

31. Neither shall we nor our bailiffs take any man's timber for our castles or other uses, unless by the consent of the owner of the timber.

32. We will retain the lands of those convicted of felony only one year and a day, and then they shall be delivered to the lord of the fee.

33. All wears for the time to come shall be put down in the rivers of Thames and Medway, and throughout all England, except upon the sea-coast.

34. The writ which is called *præcipe*, for the future, shall not be made out to any one, of any tenement, whereby a freeman may lose his court.

35. There shall be one measure of wine and one of ale through our whole realm; and one measure of corn, that is to say, the London quarter; and one breadth of dyed cloth, and russets, and haberjeets, that is to say, two sell within the lists; and it shall be of weights as it is of measures.

36. Nothing from henceforth shall be given or taken for a writ of inquisition of life or limb, but it shall be granted freely, and not denied.

37. If any do hold of us by fee-farm, or by socage, or by burgage, and he holds also lands of any other by knight's service, we will not have

Digitized by Google

the custody of the heir or land, which is holden of another man's fee by reason of that fee-farm, socage, or burgage; neither will we have the custody of such fee-farm, socage, or burgage, except knight's service was due to us out of the same fee-farm. We will not have the custody of an heir, nor of any land which he holds of another by knight's service, by reason of any petty serjeanty that holds of us, by the service of paying a knife, an arrow, or the like.

38. No bailiff from henceforth shall put any man to his law upon his own bare saying, without credible witnesses to prove it.

39. *Nullus liber homo capiatur, vel imprisonetur, aut utlagetur, aut exuletur, aut aliquo modo destruatur; nec super eum ibimus, nec super eum mittemus, nisi per legale judicium parium suorum, vel per legem terræ.*

40. *Nulli vendemus, nulli negabimus, aut differemus rectum aut justitiam.*

39. *No freeman shall be taken or imprisoned, or disseised, or outlawed, or banished, or any ways destroyed, nor will we pass upon him, nor will we send upon him, unless by the lawful judgment of his peers, or by the law of the land.*

40. *We will sell to no man, we will not deny to any man, either justice or right.*

41. All merchants shall have safe and secure conduct, to go out of, and to come into England, and to stay there, and to pass as well by land as by water, for buying and selling by the ancient and allowed customs, without any evil tolls; except in time of war, or when they are of any nation at war with us. And if there be found any such in our land, in the beginning of the war, they shall be attached, without damage to their bodies or goods, until it be known unto us or our chief justiciary, how our merchants be treated in the nation at war with us; and if ours be safe there, the others shall be safe in our dominions.

42. It shall be lawful, for the time to come, for any one to go out of our kingdom, and return safely and securely, by land or by water, saving his allegiance to us; unless in time of war, by some short space, for the common benefit of the realm, except prisoners and outlaws, according to the law of the land, and people in war with us, and merchants who shall be in such condition as is above mentioned.

43. If any man hold of any escheat, as of the honour of Wallingford, Nottingham, Boulogne, Lancaster, or of other escheats which be in our hands, and are baronies, and die, his heir shall give no other relief, and perform no other service to us, than he would to the baron, if it were in the baron's hand; we will hold it after the same manner as the baron held it.

Digitized by Google

44. Those men who dwelt without the forest, from henceforth shall not come before our justiciaries of the forest, upon common summons, but such as are impleaded, or are pledges for any that are attached for something concerning the forest.

45. *We will not make any justices, constables, sheriffs, or bailiffs, but of such as know the law of the realm and mean duly to observe it.*

46. All barons who have founded abbeys, and have the kings of England's charters of advowson, or the ancient tenure thereof, shall have the keeping of them, when vacant, as they ought to have.

47. All forests that have been made forests in our time, shall forthwith be disforested; and the same shall be done with the banks that have been fenced in by us in our time.

48. All evil customs concerning forests, warrens, foresters and warreners, sheriffs and their officers, rivers and their keepers, shall forthwith be inquired into in each county, by twelve sworn knights of the same shire, chosen by creditable persons of the same county; and within forty days after the said inquest, be utterly abolished, so as never to be restored: so as we are first acquainted therewith, or our justiciary, if we should not be in England.

49. We will immediately give up all hostages and writings delivered unto us by our English subjects, as securities for their keeping the peace, and yielding us faithful service.

50. We will entirely remove from our bailiwicks the relations of Gerard de Atheyes, so that for the future they shall have no bailiwick in England; we will also remove Engelard de Cygony, Andrew, Peter, and Gyon, from the Chancery; Gyon de Cygony, Geoffrey de Martyn and his brothers Philip Mark, and his brothers, and his nephew Geoffrey, and their whole retinue.

51. As soon as peace is restored, we will send out of the kingdom all foreign soldiers, cross-bowmen, and stipendiaries, who are come with horses and arms to the prejudice of our people.

52. If any one has been dispossessed or deprived by us, withou the legal judgment of his peers, of his lands, castles, liberties, or right, we will forthwith restore them to him; and if any dispute arise upon this head, let the matter be decided by the five-and-twenty barons hereafter mentioned, for the preservation of peace. As for all those things of which any person has, without the legal judgment of his peers, been dispossessed or deprived, either by King Henry our father, or our brother King Richard, and which we have in our hands, or are possessed by others, and we are bound to warrant and make good, we shall have a respite till the term usually allowed the crusaders; excepting those things about which there is a plea depending, or whereof an inquest hath been

Digitized by Google

made, by our order, before we undertook the crusade, but when we return from our pilgrimage, or if perchance we tarry at home and do not make our pilgrimage, we will immediately cause full justice to be administered therein.

53. The same respite we shall have (and in the same manner about administering justice, disafforesting the forests, or letting them continue) for disafforesting the forests, which Henry our father, and our brother Richard have afforested; and for the keeping of the lands which are in another's fee, in the same manner as we have hitherto enjoyed those wardships, by reason of a fee held of us by knight's service; and for the abbeys founded in any other fee than our own, in which the lord of the fee says he has a right and when we return from our pilgrimage, or if we tarry at home, and do not make our pilgrimage, we will immediately do full justice to all the complainants in this behalf.

54. No man shall be taken or imprisoned upon the appeal of a woman, for the death of any other than her husband.[1]

55. All unjust and illegal fines made by us, and all amerciaments imposed unjustly and contrary to the law of the land, shall be entirely given up, or else be left to the decision of the five-and-twenty barons hereafter mentioned for the preservation of the peace, or of the major part of them, together with the aforesaid Stephen, archbishop of Canterbury, if he can be present, and others whom he shall think fit to take along with him; and if he cannot be present, the business shall notwithstanding go on without him; but so that if one or more of the aforesaid five-and-twenty barons be plaintiffs in the same cause, they shall be set aside as to what concerns this particular affair, and others be chosen in their room, out of the said five-and-twenty, and sworn by the rest to decide the matter.

56. If we have disseised or dispossessed the Welsh, of any lands, liberties, or other things, without the legal judgment of their peers, either in England or in Wales, they shall be immediately restored to them; and if any dispute arise upon this head, the matter shall be determined in the marche by the judgment of their peers for tenements in England according to the law of England, for tenements in Wales according to the law of Wales, for tenements of the marche according to the law of the marche; the same shall the Welsh do to us and our subjects.

1—An *appeal*, in the sense wherein it is here used, does not signify any complaint to a superior court of an injustice done by an inferior one, which is the general use of the word; but it here means an *original* suit at the time of its first commencement. An appeal, therefore, when spoken of as a criminal prosecution, denotes an accusation by a private subject against another for some heinous crime, demanding punishment on account of the particular injury suffered, rather than for the offense against the public.—Creasy.

Digitized by Google

57. As for all those things of which a Welshman hath, without the legal judgment of his peers, been disseised or deprived of by King Henry our father, or our brother King Richard, and which we either have in our hands, or others are possessed of, and we are obliged to warrant it, we shall have a respite till the time generally allowed the crusaders; excepting those things about which a suit is depending, or whereof an inquest has been made by our order, before we undertook the crusade: but when we return, or if we stay at home without performing our pilgrimage, we will immediately do them full justice, according to the laws of the Welsh and of the parts before mentioned.

58. We will without delay dismiss the son of Llewellin, and all the Welsh hostages, and release them from the engagements they have entered into with us for the preservation of the peace.

59. We will treat with Alexander, King of Scots, concerning the restoring his sisters and hostages, and his right and liberties, in the same form and manner as we shall do to the rest of our barons of England; unless by the charters which we have from his father, William, late King of Scots, it ought to be otherwise; but this shall be left to the determination of his peers in our court.

60. All the aforesaid customs and liberties, which we have granted to be holden in our kingdom, as much as it belongs to us, towards our people of our kingdom, as well clergy as laity shall observe, as far as they are concerned, towards their dependents.

61. And whereas, for the honour of God and the amendment of our kingdom, and for the better quieting the discord that has arisen between us and our barons, we have granted all these things aforesaid; willing to render them firm and lasting, we do give and grant our subjects the underwritten security, namely, that the barons may choose five-and-twenty barons of the kingdom, whom they think convenient; who shall take care, with all their might, to hold and observe, and cause to be observed, the peace and liberties we have granted them, and by this our present charter confirmed; so that if we, our justiciary, our bailiffs, or any of our officers, shall in any circumstance fail in the performance of them, towards any person, or shall break through any of these articles of peace and security, and the offence be notified to four barons chosen out of the five-and-twenty before mentioned, the said four barons shall repair to us, or our justiciary, if we are out of the realm, and, laying open the grievance, shall petition to have it redressed without delay: and if it be not redressed by us, or if we should chance to be out of the realm, if it should not be redressed by our justiciary, within forty days, reckoning from the time it has been notified to us, or to our justiciary, (if we should be out of the realm,) the four barons aforesaid shall lay the

Digitized by Google

cause before the rest of the five-and-twenty barons; and the said five-and-twenty barons, together with the community of the whole kingdom, shall distrain and distress us in all possible ways, by seizing our castles, lands, possessions, and in any other manner they can, till the grievance is redressed according to their pleasure; saving harmless our own person, and the persons of our queen and children; and when it is redressed, they shall obey us as before. And any person whatsoever in the kingdom, may swear that he will obey the orders of the five-and-twenty barons aforesaid, in the execution of the premises, and will distress us, jointly with them, to the utmost of his power; and we give public and free liberty to any one that shall please to swear to this, and never will hinder any person from taking the same oath.

62. As for all those of our subjects who will not, of their own accord, swear to join the five-and-twenty barons in distraining and distressing us, we will issue orders to make them take the same oath as aforesaid. And if any one of the five-and-twenty barons dies or goes out of the kingdom, or is hindered any other way from carrying the things aforesaid into execution, the rest of the said five-and-twenty barons may choose another in his room, at their discretion, who shall be sworn in like manner as the rest. In all things that are committed to the execution of these five-and-twenty barons, if, when they are all assembled together, they should happen to disagree about any matter, and some of them, when summoned, will not, or cannot, come, whatever is agreed upon, or enjoined, by the major part of those that are present, shall be reputed as firm and valid as if all the five-and-twenty had given their consent; and the aforesaid five-and-twenty shall swear, that all the premises they shall faithfully observe, and cause with all their power to be observed. And we will not, by ourselves, or by any other, procure anything whereby any of these concessions and liberties may be revoked or lessened; and if any such thing be obtained, let it be null and void; neither shall we ever make use of it, either by ourselves or any other. And all the ill will, indignations, and rancours that have arisen between us and our subjects, of the clergy and laity, from the first breaking out of the dissensions between us, we do fully remit and forgive: moreover all trespasses occasioned by the said dissensions, from Easter in the fifteenth year of our reign, till the restoration of peace and tranquillity, we hereby entirely remit to all, both clergy and laity, and as far as in us lies do fully forgive. We have, moreover, caused to be made for them the letters patent testimonial of Stephen, lord archbishop of Canterbury, Henry, lord archbishop of Dublin, and the bishops aforesaid, as also of master Pandulph, for the security and concessions aforesaid.

63. Wherefore we will and firmly enjoin, that the Church of Eng-

Digitized by Google

land be free, and that all the men in our kingdom have and hold all the aforesaid liberties, rights, and concessions, truly and peaceably, freely and quietly, fully and wholly to themselves and their heirs, of us and our heirs, in all things and places, for ever, as is aforesaid. It is also sworn, as well on our part as on the part of the barons, that all things aforesaid shall be observed *bona fide* and without evil subtilty. Given under our hand, in the presence of the witnesses above named, and many others, in the meadow called Runingmede, between Windsor and Staines, the 15th day of June, in the 17th year of our reign.

Digitized by Google

PETITION OF RIGHTS.[1]

3 Car. I. c. 1. 1628.

The Petition exhibited to his Majesty by the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, concerning divers Rights and Liberties of the Subjects, with the King's Majesty's royal answer thereunto in full Parliament.

To the King's Most Excellent Majesty

Humbly shew unto our Sovereign Lord the King, the Lords Spiritual and Temporal, and Commons in Parliament assembled, that whereas it is declared and enacted by a statute made in the time of the reign of King Edward I., commonly called *Statutum de tallagio non concedendo*, that no tallage or aid shall be laid or levied by the King or his heirs in this realm, without the good will, and assent of the archbishops, bishops, earls, barons, knights, burgesses, and other the freemen of the commonalty of this realm; and by authority of Parliament holden in the five-and-twentieth year of the reign of King Edward III., it is declared and enacted, that from thenceforth no person should be compelled to make any loans to the King against his will, because such loans were against reason

1—"On the second of June, A. D. 1628, the peers were assembled, the Commons summoned and the king appeared in the House of Lords to give his answer in Parliament to the bill. But, to the surprise of all men, Charles, instead of using the well-known ancient form of words by which such a bill receives the royal assent, addressed the Parliament and told them, 'The king willeth that right be done according to the laws and customs of the realm, and that the statutes be put in due execution, that his subjects may have no cause to complain of any wrong or oppression contrary to their just rights and liberties; to the preservation whereof he holds himself in conscience as well obliged, as of his prerogative.'

"The Commons returned highly incensed with this evasive circumlocution. They forthwith began to assail the favorites of the Crown and impeached a Dr. Manwaring, who had preached a sermon, which had afterwards been printed by the king's command, in which discourse the right divine of kings to deal as they pleased with their subjects' property on emergencies, whether Parliament consented or not, and the duty of passive obedience in the subject, were openly and unreservedly maintained. The Commons procured the trial and condemnation of this satellite of arbitrary power, and were proceeding to assail others higher in Charles' councils when the king's obstinacy at length gave way and the Petition of Right received the royal assent in the customary form of Norman French, and this second great solemn declaration of the liberties of Englishmen was declared to be the law of the land, amidst the general rejoicings of the nation."—Creasy, The Rise and Progress of the English Constitution, 259-260.

Digitized by Google

and the franchise of the land; and by other laws of this realm it is provided, that none should be charged by any change or imposition called a benevolence, nor by such like charge; by which statutes before mentioned and other the good laws and statutes of this realm, your subjects have inherited this freedom, that they should not be compelled to contribute to any tax, tallage, aid, or other like charge not set by common consent, in Parliament.

II. Yet nevertheless, of late divers commissions directed to sundry commissioners in several counties, with instructions, have issued; by means whereof your people have been in divers places assembled, and required to lend certain sums of money unto your Majesty, and many of them, upon their refusal so to do, have had an oath administered unto them not warrantable by the laws or statutes of this realm, and have been constrained to become bound to make appearance and give utterance before your Privy Council and in other places, and others of them have been therefore imprisoned, confined, and sundry other ways molested and disquieted; and divers other charges have been laid and levied upon your people in several counties by lord lieutenants, deputy lieutenants, commissioners for musters, justices of peace and others, by command or direction of your Majesty, or your Privy Council, against the laws and free customs of the realm.

III. And whereas also by the statute called "The Great Charter of the Liberties of England," it is declared and enacted, That no freeman may be taken or imprisoned, or be disseised of his freehold or liberties, or his free customs, or be outlawed or exiled, or in any manner destroyed, but by the lawful judgment of his peers, or by the law of the land.

IV. And in the eight-and-twentieth year of the reign of King Edward III., it was declared and enacted by authority of Parliament, that no man, of what estate or condition that he be, should be put out of his land or tenements, nor taken, nor imprisoned, nor disherited, nor put to death without being brought to answer by due process of law.

V. Nevertheless, against the tenor of the said statutes, and other the good laws and statutes of your realm to that end provided, divers of your subjects have of late been imprisoned without any cause shewed; and when for their deliverance they were brought before justices by your Majesty's writs of *habeas corpus*, there to undergo and receive as the court should order, and their keepers commanded to certify the causes of their detainer, no cause was certified, but that they were detained by your Majesty's special command, signified by the lords of your Privy Council, and yet were returned back to several prisons, without being charged with anything to which they might make answer according to the law.

Digitized by Google

VI. And whereas of late great companies of soldiers and mariners have been dispersed into divers counties of the realm, and the inhabitants against their wills have been compelled to receive them into their houses, and there to suffer them to sojourn, against the laws and customs of this realm, and to the great grievance and vexation of the people.

VII. And whereas also by authority of Parliament, in the five-and-twentieth year of the reign of King Edward III., it is declared and enacted, that no man should be forejudged of life or limb against the form of the Great Charter and the law of the land; and by the Great Charter and other the laws and statutes of this your realm, no man ought to be adjudged to death but by the laws established in this your realm, either by the customs of the same realm, or by Acts of Parliament: and whereas no offender of what kind soever is exempted from the proceedings to be used, and punishments to be inflicted by the laws and statutes of this your realm; nevertheless of late time divers commissions under your Majesty's great seal have issued forth, by which certain persons have been assigned and appointed commissioners with power and authority to proceed within the land, according to the justice of martial law, against such soldiers or mariners, or other dissolute persons joining with them, as should commit any murder, robbery, felony, mutiny, or other outrage or misdemeanor whatsoever, and by such summary course and order as is agreeable to martial law, and as is used in armies in time of war, to proceed to the trial and condemnation of such offenders, and them to cause to be executed and put to death according to the law martial.

VIII. By pretext whereof some of your Majesty's subjects have been by some of the said commissioners put to death, when and where, if by the laws and statutes of the land they had deserved death, by the same laws and statutes also they might, and by no other ought to have been judged and executed.

IX. And also sundry grievous offenders, by color thereof claiming an exemption, have escaped the punishments due to them by the laws and statutes of this your realm, by reason that divers of your officers and ministers of justice have unjustly refused or forborne to proceed against such offenders according to the same laws and statutes, upon pretence that the said offenders were punishable only by martial law, and by authority of such commissions as aforesaid; which commissions, and all other of like nature, are wholly and directly contrary to the said laws and statutes of this your realm.

X. They do therefore humbly pray your most excellent Majesty, that no man hereafter be compelled to make or yield any gift, loan, benevolence, tax, or such like charge, without common consent by Act of

Digitized by Google

Parliament; and that none be called to make answer, or to take such oath, or to give attendance, or be confined, or otherwise molested or disquieted concerning the same or for refusal thereof; and that no freeman, in any such manner as is before mentioned, be imprisoned or detained; and that your Majesty would be pleased to remove the said soldiers and mariners, and that your people may not be so burthened in time to come and that the aforesaid commissions, for proceeding by martial law, may be revoked and annulled; and that hereafter no commissions of like nature may issue forth to any person or persons whatsoever to be executed as aforesaid, lest by colour of them any of your Majesty's subjects be destroyed or put to death contrary to the laws and franchise of the land.

XI. All which they most humbly pray of your most excellent Majesty as their rights and liberties, according to the laws and statutes of this realm and that your Majesty would also vouchsafe to declare that the awards, doings, and proceedings, to the prejudice of your people in any of the premises, shall not be drawn hereafter into consequence or example; and that your Majesty would be also graciously pleased, for the further comfort and safety of your people, to declare your royal will and pleasure, that in the things aforesaid all your officers and ministers shall serve you according to the laws and statutes of this realm, as they tender the honour of your Majesty, and the prosperity of this kingdom.

Quâ quidem petitione lectâ et plenius intellectâ per dictum dominum regem taliter est responsum in pleno parliamento, viz. Soit droit fait comme est desiré.

Digitized by Google

BILL OF RIGHTS.[1]

1689.

AN ACT FOR DECLARING THE RIGHTS AND LIBERTIES OF THE SUBJECT, AND SETTLING THE SUCCESSION OF THE CROWN.

Whereas the Lords Spiritual and Temporal, and Commons, assembled at Westminster, lawfully, fully, and freely representing all the estates of the people of this realm, did, upon the thirteenth day of February, in the year of our Lord one thousand six hundred eighty-eight, present unto their Majesties, then called and known by the names and style of William and Mary, Prince and Princess of Orange, being present in their proper persons, a certain declaration in writing, made by the said Lords and Commons, in the words following; viz.—

Whereas the late King James II., by the assistance of divers evil counsellors, judges, and ministers employed by him, did endeavour to subvert and extirpate the Protestant religion, and the laws and liberties of this kingdom:—

1. By assuming and exercising a power of dispensing with and suspending of laws, and the execution of laws, without consent of Parliament.

2. By committing and prosecuting divers worthy prelates, for humbly petitioning to be excused from concurring to the said assumed power.

3. By issuing and causing to be executed a commission under the Great Seal for erecting a court, called The Court of Commissioners for Ecclesiastical Causes.

4. By levying money for and to the use of the Crown, by pretence of prerogative, for other time, and in other manner than the same was granted by Parliament.

5. By raising and keeping a standing army within this kingdom in time of peace, without consent of Parliament, and quartering soldiers contrary to law.

6. By causing several good subjects, being Protestants, to be disarmed, at the same time when Papists were both armed and employed, contrary to law.

1—On the accession of William and Mary to the English throne in 1689, the Commons chose this opportunity to secure another great statute declaratory of the liberties and rights of Englishmen, as a part of the act of settling the succession to the crown.

Digitized by Google

7. By violating the freedom of election of members to serve in Parliament.

8. By prosecutions in the Court of King's Bench, for matters and causes cognisable only in Parliament; and by divers other arbitrary and illegal courses.

9. And whereas of late years, partial, corrupt, and unqualified persons have been returned and served on juries in trials, and particularly divers jurors in trials for high treason, which were not freeholders.

10. And excessive bail hath been required of persons committed in criminal cases, to elude the benefit of the laws made for the liberty of the subjects.

11. And excessive fines have been imposed; and illegal and cruel punishments inflicted.

12. And several grants and promises made of fines and forfeitures, before any conviction or judgment against the persons upon whom the same were to be levied.

All which are utterly and directly contrary to the known laws and statutes, and the freedom of this realm.

And whereas the said late King James II. having abdicated the government, and the throne being thereby vacant, his Highness the Prince of Orange (whom it hath pleased Almighty God to make the glorious instrument of delivering this kingdom from popery and arbitrary power) did (by the advice of the Lords Spiritual and Temporal, and divers principal persons of the Commons) cause letters to be written to the Lords Spiritual and Temporal, being Protestants, and other letters to the several counties, cities, universities, boroughs and cinque-ports, for the choosing of such persons to represent them, as were of right to be sent to Parliament, to meet and sit at Westminster upon the two-and-twentieth day of January, in this year one thousand six hundred eighty and eight, in order to such an establishment, as that their religion, laws and liberties might not again be in danger of being subverted; upon which letters, elections have been accordingly made.

And thereupon the said Lords Spiritual and Temporal, and Commons, pursuant to their respective letters and elections, being now assembled in a full and free representation of this nation, taking into their most serious consideration the best means for attaining the ends aforesaid, do in the first place (as their ancestors in like case have usually done) for the vindicating and asserting their ancient rights and liberties, declare:—

1. That the pretended power of suspending of laws, or the execution of laws, by regal authority, without consent of Parliament, is illegal.

2. That the pretended power of dispensing with laws, or the execu-

Digitized by Google

tion of laws by regal authority, as it hath been assumed, and exercised of late, is illegal.

3. That the commission for erecting the late Court of Commissioners for Ecclesiastical Causes, and all other commissions and courts of like nature, are illegal and pernicious.

4. That levying money for or to the use of the Crown, by pretence and prerogative, without grant of Parliament, for longer time or in other manner than the same is or shall be granted, is illegal.

5. That it is the right of the subjects to petition the King, and all commitments and prosecutions for such petitioning are illegal.

6. That the raising or keeping a standing army within the kingdom in time of peace, unless it be with the consent of Parliament, is against law.

7. That the subjects which are Protestants may have arms for their defence suitable to their conditions, and as allowed by law.

8. That elections of members of Parliament ought to be free.

9. That the freedom of speech, and debates or proceedings in Parliament, ought not to be impeached or questioned in any court or place out of Parliament.

10. That excessive bail ought not to be required, nor excessive fines imposed; nor cruel and unusual punishments inflicted.

11. That jurors ought to be duly impanelled and returned, and jurors which pass upon men in trials for high treason ought to be freeholders.

12. That all grants and promises of fines and forfeitures of particular persons before conviction, are illegal and void.

13. And that for redress of all grievances, and for the amending, strengthening, and preserving of the laws, Parliaments ought to be held frequently.

And they do claim, demand, and insist upon all and singular the premises, as their undoubted rights and liberties; and that no declarations, judgments, doings or proceedings, to the prejudice of the people in any of the said premises, ought in any wise to be drawn hereafter into consequence or example.

To which demand of their rights, they are particularly encouraged by the declaration of his Highness the Prince of Orange, as being the only means for obtaining a full redress and remedy therein.

Having therefore an entire confidence that his said Highness the Prince of Orange will perfect the deliverance so far advanced by him, and will still preserve them from the violation of their rights, which they have here asserted, and from all other attempts upon their religion, rights, and liberties:

Digitized by Google

II. The said Lords Spiritual and Temporal, and Commons, assembled at Westminster, do resolve that William and Mary, Prince and Princess of Orange, be, and be declared, King and Queen of England, France and Ireland, and the dominions thereunto belonging, to hold the Crown and royal dignity of the said kingdoms and dominions to them the said Prince and Princess during their lives, and the life of the survivor of them; that the sole and full exercise of the regal power be only in, and executed by, the said Prince of Orange, in the names of the said Prince and Princess, during their joint lives; and after their deceases, the said Crown and royal dignity of the said kingdoms and dominions to be to the heirs of the body of the said Princess; and for default of such issue to the Princess Anne of Denmark, and the heirs of her body; and for default of such issue to the heirs of the body of the said Prince of Orange. And the Lords Spiritual and Temporal, and Commons, do pray the said Prince and Princess to accept the same accordingly.

III. And that the oaths hereafter mentioned be taken by all persons of whom the oaths of allegiance and supremacy might be required by law, instead of them; and that the said oaths of allegiance and supremacy be abrogated.

I, A. B., do sincerely promise and swear, That I will be faithful and bear true allegiance to their Majesties King William and Queen Mary:

So help me God.

I, A. B., do swear, That I do from my heart abhor, detest, and abjure as impious and heretical, that damnable doctrine and position, that Princes excommunicated or deprived by the Pope, or any authority of the See of Rome, may be deposed or murdered by their subjects, or any other whatsoever. And I do declare, that no foreign prince, person, prelate, state, or potentate hath, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority ecclesiastical or spiritual, within this realm:

So help me God.

IV. Upon which their said Majesties did accept the crown and royal dignity of the kingdoms of England, France, and Ireland, and the dominions thereunto belonging, according to the resolution and desire of the said Lords and Commons contained in the said declaration.

V. And thereupon their Majesties were pleased, that the said Lords Spiritual and Temporal, and Commons, being the two Houses of Parliament, should continue to sit, and with their Majesties' royal concurrence make effectual provision for the settlement of the religion, laws and liberties of this kingdom, so that the same for the future might not be in danger again of being subverted; to which the said Lords Spiritual and Temporal, and Commons, did agree and proceed to act accordingly.

VI. Now in pursuance of the premises, the said Lords Spiritual and

Digitized by Google

Temporal, and Commons, in Parliament assembled, for the ratifying, confirming and establishing the said declaration, and the articles, clauses, matters, and things therein contained, by the force of a law made in due form by authority of Parliament, do pray that it may be declared and enacted, That all and singular the rights and liberties asserted and claimed in the said declaration, are the true, ancient, and indubitable rights and liberties of the people of this kingdom, and so shall be esteemed, allowed, adjudged, deemed, and taken to be, and that all and every the particulars aforesaid shall be firmly and strictly holden and observed, as they are expressed in the said declaration; and all officers and ministers whatsoever shall serve their Majesties and their successors according to the same in all times to come.

VII. And the said Lords Spiritual and Temporal, and Commons, seriously considering how it hath pleased Almighty God, in his marvellous providence, and merciful goodness to this nation, to provide and preserve their said Majesties' royal persons most happily to reign over us upon the throne of their ancestors, for which they render unto Him from the bottom of their hearts their humblest thanks and praises, do truly, firmly, assuredly, and in the sincerity of their hearts, think, and do hereby recognize, acknowledge and declare, that King James II. having abdicated the government, and their Majesties having accepted the Crown and royal dignity as aforesaid, their said Majesties did become, were, are, and of sovereign right ought to be, by the laws of this realm, our sovereign liege lord and lady, King and Queen of England, France, and Ireland, and the dominions thereunto belonging, in and to whose princely persons the royal State, Crown, and dignity of the said realm, with all honours, styles, titles, regalities, prerogatives, powers, jurisdictions and authorities to the same belonging and appertaining, are most fully, rightfully, and entirely invested and incorporated, united and annexed.

VIII. And for preventing all questions and divisions in this realm by reason of any pretended titles to the Crown, and for preserving a certainty in the succession thereof, in and upon which the unity, peace, and tranquillity, and safety of this nation doth, under God, wholly consist and depend, the said Lords Spiritual and Temporal, and Commons, do beseech their Majesties that it may be enacted, established and declared, that the Crown and legal government of the said kingdoms and dominions, with all and singular the premises thereunto belonging and appertaining, shall be and continued to their said Majesties, and the survivor of them, during their lives, and the life of the survivor of them. And that the entire, perfect, and full exercise of the regal power and government be only in, and executed by, his Majesty, in the names of both their Majesties during their joint lives; and after their deceases the said Crown and premises

Digitized by Google

shall be and remain to the heirs of the body of her Majesty; and for default of such issue, to her Royal Highness the Princess Anne of Denmark, and the heirs of her body; and for default of such issue, to the heirs of the body of his said Majesty: And thereunto the said Lords Spiritual and Temporal, and Commons do, in the name of all the people aforesaid, most humbly and faithfully submit themselves, their heirs, and posterities for ever; and do faithfully promise, That they will stand to, maintain, and defend their said Majesties, and also the limitation and succession of the Crown herein specified and contained, to the utmost of their powers, with their lives and estates, against all persons whatsoever that shall attempt anything to the contrary.

IX. And whereas it hath been found by experience, that it is inconsistent with the safety and welfare of this Protestant kingdom, to be governed by a Popish Prince, or by any King or Queen marrying a Papist, the said Lords Spiritual and Temporal, and Commons, do further pray that it may be enacted, That all and every person and persons that is, are, or shall be reconciled to, or shall hold communion with, the See or Church of Rome, or shall profess the Popish religion, or shall marry a Papist, shall be excluded, and be for ever incapable to inherit, possess, or enjoy the Crown and government of this realm, and Ireland, and the dominions thereunto belonging, or any part of the same, or to have, use, or exercise any regal power, authority, or jurisdiction within the same; and in all and every such case or cases the people of these realms shall be and are hereby absolved of their allegiance; and the said Crown and government shall from time to time descend to, and be enjoyed by, such person or persons, being Protestants, as should have inherited and enjoyed the same, in case the said person or persons so reconciled, holding communion, or professing, or marrying as aforesaid, were naturally dead.

X. And that every King and Queen of this realm, who at any time hereafter shall come to and succeed in the Imperial Crown of this kingdom, shall, on the first day of the meeting of the first Parliament, next after his or her coming to the Crown, sitting in his or her throne in the House of Peers, in the presence of the Lords and Commons therein assembled, or at his or her coronation, before such person or persons who shall administer the coronation oath to him or her, at the time of his or her taking the said oath (which shall first happen), make, subscribe, and audibly repeat the declaration mentioned in the statute made in the thirteenth year of the reign of King Charles II., intituled "An act for the more effectual preserving the King's person and government, by disabling Papists from sitting in either House of Parliament." But if it shall happen, that such King or Queen, upon his or her succession to the Crown of this realm, shall be under the age of twelve years, then every such

Digitized by Google

King or Queen shall make, subscribe, and audibly repeat the said declaration at his or her coronation, or the first day of meeting of the first Parliament as aforesaid, which shall first happen after such King or Queen shall have attained the said age of twelve years.

XI. All which their Majesties are contented and pleased shall be declared, enacted, and established by authority of this present Parliament, and shall stand, remain, and be the law of this realm for ever; and the same are by their said Majesties, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, and by the authority of the same, declared, enacted, or established accordingly.

XII. And be it further declared and enacted by the authority aforesaid, That from and after this present session of Parliament, no dispensation by *non obstante* of or to any statute, or any part thereof, shall be allowed, but that the same shall be held void and of no effect, except a dispensation be allowed of in such statute, and except in such cases as shall be specially provided for by one or more bill or bills to be passed during this present session of Parliament.

XIII. Provided that no charter, or grant, or pardon granted before the three-and-twentieth day of October, in the year of our Lord One thousand six hundred eighty-nine, shall be any ways impeached or invalidated by this Act, but that the same shall be and remain of the same force and effect in law, and no other than as if this Act had never been made.

Digitized by Google

ABUSIONS OF THE COMMON LAW.

Being Chapter V., Section 1, of The Mirrour of Justices, written originally in the old French, long before the Conquest; and many things added by Andrew Horne. Translated into English by William Hughes, of Gray's Inn, Esq.[1]

There are many who say, that although other realms use a written law, yet only *England* useth her customs, and her usages for law not written; but betwixt rightful and tortious usages there is a difference, for tortious usages not warranted by law, nor suffered by Holy Scripture, are not at all to be used: as for example those of thieves, whose usages are to rob and steal.

And to shew some abuses holden for usages, which are frauds to the law, and repugnants to right, and which are not found justifiable by Holy Scripture, is this chapter made of a collection of part of the abusions of the law, and of persons erring from the knowledge of the right of law and from lawful usages.

Abusion is a disuse, or a misuse of right usages turned to abuses, sometimes by contrariety and repugnancy to law, sometimes by too large a usage thereof.

1—From title page of the Mirrour of Justices, one of the earliest books upon the common law of England. This book was compiled by Andrew Horn, a merchant of London, about the end of the 13th century, and is supposed to have been derived by him from more ancient sources antedating the Conquest of England by the Normans in 1066.

In the preamble, or preface to this work, the author says: "And for the condemning of false judges I compiled this little book of the law of persons into five chapters, that is to say:

"1. Of offences against the peace.
"2. Of actions.
"3. Of exceptions.
"4. Of judgments.
"5. Of Abusions.

"Which book I have called *The Mirrour of Justices*, according as I have found their virtues, and the most excellent substance after the time of King Arthur, used by holy usages according to the rules, aforesaid; and I desire that you would amend the defects thereof, according to such lawful and true warrants as you prove, both to learn the truth and confound the daily abuses of the law."

It may well be a matter of speculation how many abuses of the written and unwritten law could now be enumerated, if at this early date this writer was able to point out one hundred and fifty-five.

Digitized by Google

1. The first and chief abusion is, that the king is above the law, whereas he ought to be subject to it, as it is contained in his oath.

2. It is an abuse, that whereas parliaments ought to be, for the salvation of the souls of trespassers, twice in the year at *London*, that they are there but very seldom, and at the pleasure of the king; for subsidies and collections of treasure, and where the ordinances ought to be made by the assent of the king, and of his earls, they are now made by the king and his clerks, and by aliens, and others who dare not contradict the king, but desire to please him, and to counsel him for his profit, though the counsel be not convenable for the common people, without calling the counties thereunto, and without following the rules of law, whereby it followeth that many ordinances are grounded more upon pleasure than upon law.

3. It is an abuse that the laws, and the customs of the realm, with their occasions, are not put into writing, whereby they may be known, so as they might be known by all men.

4. It is an abuse, that force holds in disseisins after the third day of peaceable seisin, for as much as he is not worthy to be aided by the law, who flyeth from judgment, and useth force.

5. It is an abuse, that justice is delayed in the king's court, more than elsewhere.

6. It is an abuse to suffer any to be in the realm above forty days, who is of the age of fourteen years, *English* or alien, if he be not sworn to the king by an oath of fealty, and in some pledge and dozein.

7. It is an abuse, that clerks and women are exempted to make the said oath to the king, seeing the kind taketh their homage and fealty for lands.

8. It is an abuse to hold an escape out of prison, or the breach of the gaol, to be a moral offence, for that usage is not warranted by any law, nor is it used in any place but within this realm and in *France*, for as much as one is warranted to do it by the law of nature.

9. It is an abuse to suffer so many forms of writs to be pleadable, and therein especially that the writs are close, and not patents as the writs of right; and in that they are made with interlinings and rasure, and otherwise vicious.

10. It is an abuse that the money is not quarterable, that it is not silver, that it is held payable if the foreign circle be not whole, to allay the money *per* 18 *d.* and make paying of lead to every, etc.

11. It is an abuse that the king takes more than twelve pence for the exchange of twenty shillings in the pound.

12. It is an abuse that no pound is suffered to weigh twenty-five shillings, or more than twelve ounces.

Digitized by Google

13. It is an abuse that Treason is not adjudged more by appeals than it is.

14. It is an abuse that a man who hath done manslaughter of necessity, or with the peace, or not feloniously, is detained and kept in prison until he hath purchased the king's charter of pardon of death; as it is for mischance.

15. It is an abuse to hold the moveable goods of flyers forfeited before they be attainted of the felony by outlawry, or otherwise.

16. It is an abuse to outlaw a man before it hath been enquired by the oaths of neighbours.

17. It is an abuse to suffer a man attainted of felony to be an approver, and to have a voice as a true man, and that clerks, women, infants, and others who cannot combat are suffered to be approvers.

18. It is an abuse that others receive the appeals of approvers, than coroners, and that they are suffered to appeal oftener than once, or by distress or otherwise, or in any manner falsly.

19. It is an abuse that the Justices drive a true man to be tried by his country, where he profereth to defend himself against the approver by battle.

20. It is an abuse to force people appealed by approvers to acquittals, where the approver put in his appeals, if he be not thereof elsewhere indicted, or after the lying of the approver attained, or after the death of the approver.

21. It is an abuse to suffer an approver to live, after he shall be attainted of a false appeal.

22. It is an abuse to suffer thieves, and known and notorious felons, to be defended in sanctuaries.

23. It is an abuse that those felons who are forjudged the realm are not suffered to chuse their port and passage out of the realm, and to limit their journies.

24. It is an abuse that they enter into the sea, and from the sea, the church next the sea, and that entries into great places are denied them, and that they have not the privilege of pilgrims.

25. It is abuse to adjudge murder for default of *Engleshire*, since murder ought to be the *English* punishment of an alien.

26. It is an abuse that acquittances of payments made to the king in the Exchequer are by tallies, and not by the seal appointed for it.

27. It is abuse that the king's officers of the Exchequer, have jurisdiction of other things than the king's monies, of his fees, and of his franchises, without an original writ out of the chancery under white wax.

28. It is an abuse that the king's debts lie dormant, and are delayed to be levied by estreats, since the arrears of sheriffs, and of other the

Digitized by Google

king's receivers are to be levied without delay upon those who prefer them, if they themselves be not sufficient, and the arrearages of the debts of others are to be levied upon their sureties where the principals are not sufficient to pay the arrearages, the amercements are liable upon the assessors if the principals are not sufficient; and so it is of fines, and all other the king's debts whereby it appeareth that no debt ought to be much behind, in so much as some think that none are chargeable with an old debt if not of malice, or by negligence of the king's officers.

29. It is an abuse that they of the Exchequer, or other, receive attornies, or hold conusance without an original writ out of the chancery, which none can do without jurisdiction.

30. It is an abuse that freedom and freeholders have ordinary jurisdiction, but in the courts of lords of manors, or of hundreds of counties.

31. It is an abuse to amerce any man by reason of a presentment in personal trespass, in as much as no man is to be amerced but for the offence in a real or mixt action.

32. It is an abuse to amerce any man by a presentment made of less than twelve sworn freemen.

33. It is an abuse to assess an amercement certain, without the affeerment of freemen sworn to it.

34. It is an abuse to affeer amercements in the absence of those who are to be amerced.

35. It is an abuse to charge the jurors with any article touching wrong done betwixt neighbour and neighbour.

36. It is abuse to believe any one hath jurisdiction, if a commission give it not.

37. It is an abuse to obey the judge who is appealed of doing wrong, the example whereof appeareth in the old writ of right, *Et nisi feceris vicecomes faciat.*

38. It is abuse that a freeman be made the king's officer by any election against his will.

39. It is an abuse that the salaries of pleaders be not certain.

40. It is an abuse that the defendants have not amends of wrongful plaintiffs.

41. It is an abuse that pleaders are spared of oaths according to the points.

42. It is abuse to suspend a pleader if he be not attaint of a trespass, for which he is condemnable to corporal punishment.

43. It is abuse to summon a man for a personal offence.

44. It is abuse to adjudge a man to death by suitors, if not in cases so known, that there need no answer.

45. It is an abuse to bring the appeal elsewhere than before the

Digitized by Google

coroner of the county, and that appeareth by the writ of appeal, as a writ grounded upon error.

46. It is abuse to let to bail a man appealed, or indicted of a mortal offence, by pledges.

47. It is an abuse to determine the appeals of felony by judges, ordinaries, suitors.

48. It is abuse that all persons are commonly receivable in appeals of felony.

49. It is abuse that all infants within age are in ward.

50. It is an abuse that people may alien their inheritances from their heirs further than the grants, or their purchase of lands make mention, for none can make an assignee, if it be not specified in the grant.

51. It is abuse that the inheritances of heirs females are held in ward (though it be of knights service) as of heirs males, since a woman is at age at 14 years.

52. It is abuse that gaolers or their sovereigns plunder prisoners, or take from them other things than their arms.

53. It is abuse that prisoners or others for them pay any thing for their entries into the gaol, or for their coming out.

54. It is abuse that a prisoner is laden with irons, or put to pain before he be attainted of the felony.

55. It is abuse that the gaols are not delivered of the prisoners, who are deliverable without delay, without a writ.

56. It is abuse to make a man to answer to the king's suit where he is not indicted, nor appealed.

57. It is abuse to imprison any other than a man indicted or appealed, without a special warrant, in case for want of pledges or mainprisors.

58. It is abuse that justices deliver prisoners not taken before the date of their warrants, since the king's intention was not but of those who are then kept in prison.

59. It is abuse that the writ of *Odio et atia* take no place but in murder.

60. It is abuse that that writ lieth for indictees.

61. It is abuse that appellees or indictees of mortal crime are got out of prison by bail, or those who are condemned to corporal punishment before they do their penance, or that they have bought in the same by fine and ransom.

62. It is abuse that the writs *Sicut alias et sicut pluries* pass the seal in case where it should make those officers inobedient of right, and to the king, and should charge others to do such commandment.

63. It is abuse to put these words in writs, *Nisi captus sit per speciale*

Digitized by Google

præceptum nostrum, vel capitalis justiciarii nostri, vel pro foresta nostra, etc., for no special commandment ought to exceed the common law.

64. It is abuse to suffer the judges to be plaintiffs for the king.

65. It is abuse that aliens or others who have not sworn fealty to the king or infamous persons, or indicted or appealed of mortal crime, or who have not an able commission, or after any wrong done, or after judgment given, be suffered to have jurisdiction, or to judge out of the points specified in their commissions.

66. It is abuse that in appeals by pleaders are the places, and the countries, and the hours of the days, and that it is against the peace, since every offense is against the peace, and such other words needless.

67. It is abuse to abate sufficient appeals, according to the statute of *Gloucester*.

68. It is abuse that the remedial writs are saleable, and that the king commands the sheriff, that he take sureties to his use for the writ, for and by the purchase of these writs one may destroy his enemy wrongfully; and because that such fines and penalties run in estreats, though they do nothing but hurt to the purchaser thereof.

69. It is abuse that foreigners are not receivable in actions by sureties of freemen, who have not wherewith to find pledges.

70. It is abuse to distrain in personal actions, where the profit of the issues comes to the king, and no profit accrueth to the plaintiffs.

71. It is abuse that any plaint is received to be heard without sureties present, to testify the plaint to be true.

72. It is abuse, that it is said that villainage is not a frank tenement, and that an assize lieth not of an ejector for term of years, as well as it doth of a frank tenement for term of life, or in fee; for a villain and a slave are not all one, either in name or signification, for as much as every freeman may hold in villainage to him and his heirs, performing the services and charges of the fees.

73. It is abuse to hold that seisin accrued not to the purchaser when the donor left his goods, for as a contract of marriage is good by the consent of the wills of men and women, although that one of them repent, and after the marriage would withdraw himself, but he cannot thereby dissolve the contract; so as well it sufficeth to make the contract by the delivery of seisin as by the celebration of the marriage, although the purchaser have no other seisin by taking the esplees, nor any deed, nor writing to testify the bargain; and if it were that a woman after the marriage were ravished and consented thereto, and the husband repleve her, and the ravisher answering to the contract say, that the husband had no right nor action, because he was never fully seised by taking the esplees nor had no deed: or said, that he was never out of seisin of the woman because she was cloathed with his robes, and by her robe she remained in

Digitized by Google

his seisin; this exception nothing availeth him to excuse his wrong no more than in this case. If a man buy a horse, and agree with the seller, and the seller deliver the same to the buyer, notwithstanding that the seller repent of the bargain, and forceably take back the horse, although the buyer hath no action for the same, because he remained always seised thereof at will; such exception is not good.

74. It is abuse to think that contracts for goods not moveables are otherwise than for moveable goods.

75. It is abuse to think that seisin accrueth not as soon to a purchaser of his purchase, as to an heir of his inheritance, since the law requires but three things in contracts: 1. The agreement of the wills. 2. Satisfaction to the donor. 3. Delivery of the possession and gift. If a transmutation of seisin be given to the purchaser by the donor at the hour of one of the clock, and the purchaser dieth at the hour of three of the clock he dieth as well seised of the tenement as he should be of a woman, or a horse, though the donor have not departed with and removed his chattels and it shall never be a good plea for him to say, that the freehold after the transmutation of seisin by a simple livery remained in the donor, after this livery of the tenement; but if the agreement of the donor be not performed according to the contract, then he may help himself thereby.

76. It is abuse to think that one cannot recover a term for years; nor presentments to churches in manner of disseisin, since many reasons may avail to redisseisors.

77. It is abuse that attaints are not granted in chancery without difficulty, to attaint all false jurors, as well in all other actions personals, reals and mixt, as in assizes brought.

78. It is abuse to drive a distress out of the hundred.

79. It is abuse to make the view of the distress to bailiffs, in that a plaint will suffice, and a court, and that he is yet seised thereof.

80. It is abuse that we do not sue for a tortious distress by way of felony, and that one attaint not these robbers at the king's suit.

81. It is abuse that vicious contracts are by agreements maintained by law, as forbidden of offence. Is not usury an offence? is not imprisonment an offence? how can one bind himself to usury, or to imprisonment, or a disseisin, if he do not offend?

82. It is abuse that advowsons of charters are aliened by law for years in mortgage, or to farm, or are partable.

83. It is abuse that leases of farms are not longer than forty years, since continuance of seisin by length of time doth disinherit no man.

84. It is abuse that no land is let to farm or in fee, or for years rendering rent by the year, more than the fourth part.

Digitized by Google

85. It is abuse to outlaw a man for a default, in case where the principal cause is not felony.

86. It is abuse that auditors are appointed by the lords to hear accounts without the assent of bailiffs.

87. It is abuse that bailiffs have no recovery of damages from tortious auditors.

88. It is abuse that regard is had to the persons, when such law is not for bailiffs against their lords, as *e contra* in the right of debts due by one to the other.

89. It is abuse that a man may challenge one for his nief to whom he never found sustenance, in as much as a villain is not a villain but so long as he remaineth in custody; and since none can challenge his villain for villainage though he be in his custody, if he find not sustenance to his villain, or send him to some land in his manor where he may gain his living, or otherwise retain him in his service.

90. It is abuse that villains are frank-pledges, or pledges of freemen.

91. It is abuse that others suffer villains to be in their views of frank-pledges.

92. It is abuse that the lords suffer their villains to plead, or be impleaded without them, for a villain is not amerceable in any other court, because he can lose nothing, as he who hath nothing proper of his own.

93. It is abuse to hold villains for slaves, and this abuse causeth great destruction of poor people, great poverty, and is a great offence.

94. It is abuse that a man is summoned who is no freeholder.

95. It is abuse to summon a man elsewhere than in the land contained in the demand, if it contain land.

96. It is abuse that a man travel at his own charges, by any summons personal.

97. It is abuse that a justice or other make a summons, who is not a freeholder within the county.

98. It is abuse to summon men without giving them reasonable warning upon what to answer.

99. It is abuse that false causes of essoins are admitted, for as much as the law alloweth falsity in no case.

100. It is abuse that an essoiner is admitted in a personal action to the defendant, since one is mainprized to appear in court by mainprisors.

101. It is an abuse to receive an essoin cast in by an infant within age.

102. It is an abuse to receive an attorney, where no power so to do is given by writ out of the chancery.

103. It is abuse to receive an attorney, where the plea is not to be judged in the presence of the parties, if not in case where one maketh an attorney general.

Digitized by Google

104. It is abuse that none can make an attorney in personal actions, where corporal punishment is to be awarded.

105. It is abuse to receive exceptions in judgments, if they be not sufficiently pronounced, for from the order of the exception rarely ariseth clear judgment.

106. It is abuse to allow a warrant of voucher to a thief, or in other personal action.

107. It is abuse that judges assigned shew not the parties pleading their warrants, or of his power, when they demand it.

108. It is abuse that justices and their officers, who kill people by false judgment, be not destroyed as other murderers, which *King Alfred* caused to be done, who caused forty-four justices in one year to be hanged as murderers for their false judgment.

1. He hanged *Darling* because he had judged *Sidulf* to death, for the retreat of *Edulf* his son, who afterwards acquitted him of the fact.

2. He hanged *Segnor* who judged *Ulfe* to death after sufficient acquittal.

3. He hanged *Cadwine*, because that he judged *Hackwy* to death without the consent of all the jurors, and whereas he stood upon the jury of twelve men, and because three would have saved him against the nine, *Codwine* removed the three, and put others upon the jury, upon whom *Hackwy* put not himself.

4. He hanged *Cole*, because he judged *Ive* to death when he was a mad-man.

5. He hanged *Malme*, because he judged *Prat* to death upon a false suggestion that he committed the felony.

6. He hanged *Athulf* because he caused *Copping* to be hanged before the age of one and twenty years.

7. He hanged *Markes* because he judged *During* to death by twelve men who were not sworn.

8. He hanged *Ostline* because he judged *Seaman* to death by a false warrant, grounded upon false suggestion, which supposed *Seaman* to be a person in the warrant, which he was not.

9. He hanged *Billing*, because he judged *Leston* to death by fraud, in this manner he said to the people, Sir, all ye here but he who assisted to kill the man, and because that *Leston* did not sit with the other he him commanded to be hanged, and said that he did assist, where he knew he did not assist to kill him.

10. He hanged *Seafaule* because he judged *Olding* to death for not answering.

11. He hanged *Thurston* because he judged *Thurguer* to death by verdict of enquest, taken *ex officio* without issue joined.

Digitized by Google

12. He hanged *Athelston*, because he judged *Herbert* to death for an offence not mortal.

13. He hanged *Rombold* because he judged *Lischild*, in a case not notorious, without appeal, and without indictment.

14. He hanged *Rolfe*, because he judged *Dunstan* to die for an escape out of prison.

15. He hanged *Freburne* because he judged *Harpin* to die, whereas the jury were in doubt of their verdict, for in doubtful causes one ought rather to save than to condemn.

16. He hanged *Seabright* who judged *Aihebbrus* to death, because he condemned one by a false judgment mortal.

17. He hanged *Hale* because he saved *Tristram* the sheriff from death, who took to the king's use from another's goods against his will, for as much as any such taking from another against his will, and robbery hath no difference.

18. He hanged *Arnold* because he saved *Boyliffe*, who robbed the people by colour of distresses, whereof, some were by selling distresses, some by extortion of fines, as if betwixt extortion of fines, releasing of tortious distresses, and robbery there were difference.

19. He hanged *Erkinwald* because he hanged *Franklin*, for naught else but because he taught to him who vanquished by battle mortal to say the word of cravant.

20. He hanged *Bermond* because he caused *Garbolt* to be beheaded by his judgment in *England*, for that for which he was outlawed in *Ireland*.

21. He hanged *Alkman* because he saved *Cateman* by colour of disseisin, who was attainted of burglary.

22. He hanged *Saxmond* because he hanged *Barrold* in *England*, where the king's writ runneth for a fact which he did in the same land where the king's writ did not run.

23. He hanged *Alflet* because he judged a clerk to death, over whom he had no cognizance.

24. He hanged *Piron* because he judged *Hanting* to death because he gave judgment in appeal before the forty days pendant the appeal, by a writ of false judgment before the king.

25. He hanged *Diling* because he caused *Eldon* to be hanged, who killed a man by misfortune.

26. He hanged *Oswin* because he judged *Fulcher* to death out of court.

27. He hanged *Muclin*, because he hanged *Helgrave* by warrant of indictment not special.

28. He hanged *Horne* because he hanged *Simin* at days forbidden.

29. He hanged *Wolmer* because he judged *Graunt* to death by colour of a larceny of a thing, which he had received by title of bailment.

Digitized by Google

30. He hanged *Therberne* because he judged *Osgot* to death for a fact, whereof he was acquitted before, against the same plaintiff, which acquittance he tendred to aver by oath, and because he would not aver it by record, *Therberne* would not allow of the acquittal which he tendred him.

31. He hanged *Wolster* because he adjudged *Haubert* to death at the suit of the king, for a fact which *Haubert* confessed, and of which the king gave him his pardon, but he had no charter thereof, nevertheless he vouched the king to warrant it, and further tendred to aver it by inrolment of the chancery.

32. He hanged *Oskitell* because he judged *Catling* to death, by the record of the coroner, whereby replication allowable the plea did not hold. And the case was such, *Catling* was taken and punished so much, as he confest he had mortally offended, and that to be quitted of the pain; and *Oskitell* adjudged him to death upon his confession which he had made to the coroner, without trial of the truth of the pain, or the fact. And further, he caused the coroners and officers accessaries to be apprehended, who hanged the people, and all those who might have hindred the false judgment, and did not hinder the same in all cases; for he hanged all the judges who had falsly saved a man guilty of death, or had falsly hanged any man against law, or any reasonable exception.

33. He hanged the suitors of *Calevot,* because they had adjudged a man to death in a case not notorious, although he were guilty thereof; for no man can judge within the realm but the king, or his commissaries, except those lords in whose lordships the king's writ doth not run.

34. He hanged the suitors of *Dorchester,* because they judged a man to death by jurors in their liberty, for a felony which he did out of the liberty, and whereof they had not the conusance by reason of foreignty.

35. He hanged the suitors of *Cirencester,* because they kept a man so long in prison, that he died in prison, who would have acquitted himself by foreigners, that he offended not feloniously.

36. In his time the suitors of *Doncaster* lost their jurisdiction, besides other punishments, because they held pleas forbidden by the customs of the realm to judges, ordinaries, and suitors to hold.

37. In his time *Colgrin* lost his franchise of enfangthief, because he would not send a thief to the common gaol of the county, who was taken within his liberty for a felony done out of the liberty in guildable.

38. In his time *Buttolphe* lost his view of frank-pledgess, because he charged the jurors with other articles than those which belonged to the view, and amerced people in personal actions where one was not to be amerced by a pecuniary punishment. And accordingly he caused mortal rewards to criminal judges for wrongful mortal judgments, and so he did for wrongful judgments venials. Imprisonment for wrongful imprison-

Digitized by Google

ments, and like for like, with the other punishments; for he delivered *Thelweld* to prison, because he judged men to prison for an offence not mortal.

39. He judged *Litbing* to prison, because he imprisoned *Herbote* for the offence of his wife.

He judged *Rutwood* to prison, because he imprisoned *Olde* for the king's debt.

On the other side he cut off the hand of *Haulf*, because he saved *Armock's* hand, who was attainted before him that he had feloniously wounded *Richbold*.

He judged *Edulfe* to be wounded, because he judged not *Arnold* to be wounded, who feloniously had wounded *Aldens*.

In lesser offences he did not meddle with the judgments, but disinherited the justices, and removed them according to the points of those statutes in all points where he could understand that they had passed their jurisdiction, or the bounds of their delegacy, or of their commission; or had concealed fines, or amercements, or other thing which belonged to the king; or had released or increased any punishment contrary to law, or procured the exercising or pleading without warrant, either by the property, by warrant of writ, or of a plaint of the possession, or *e contra;* or in the venial actions by words of felony, or *e contra*, or had sent to no party a transcript of his plea at the journey, or any of the parties wrongfully grieved, or done any other wrong in disallowance of a reasonable exception of the parties, or to the judgment.

In his time every plaintiff might have a commission and a writ to his sheriff, to the lord of the fee, or to certain justices assigned upon every wrong which was done.

In his time law was hastened from day to day, so that above fifteen days there was no default nor essoin adjournable.

In his time the parties might carry away the parts of their pleas under the seal of the judges, or the averse parties.

In his time there was no stay of writs, all remedial writs were grantable, as of debt by virtue of an oath.

In his time the judges used to take twelve pence of every plaintiff at the journey.

In his time plaintiffs recovered not only damages of the issues of the possessions, and of the fees, but recovered costs as to the hurts, and as much as one might lawfully tax, by the occasion of such a fact.

109. It is abuse that such a multitude of clerks are suffered to be made, whereby the king's jurisdiction is overthrown.

110. It is abuse that clerks have leases of that which belongs to the temporalty, and hold lay fees.

Digitized by Google

111. It is abuse that pleas hold upon Sundays, or other days forbidden, or before sun-rising, or in the night time in dishonest places.

112. It is abuse that none answer to a felony, or other personal action of trespass or scandal, before his age of one and twenty years.

113. It is abuse that when the action is affirmative to take the proof against the answer, or plea affirmative.

114. It is abuse that a man be accused of life and member, *ex officio*, without suit or without indictments.

115. It is abuse that the justices shew not the indictments to those who are indicted, if they require the same.

116. It is abuse that no man in *England* doth answer for a thing done out of the realm, *et e contra*, or in a privileged place, where the king's writ runneth not, for a thing done to a foreigner, *et e contra*, or within a place within a franchise, for a thing done in guildable.

117. It is abuse that rape is a mortal offence.

118. It is abuse that rape extends to others than virgins.

119. It is abuse to outlaw a man if not for felony.

120. It is abuse that one take in *England* any one outlawed in *Ireland*, or elsewhere out of the realm; or that one is put out of his fee by judgment of law of judges ordinaries, suitors.

121. It is abuse to count of so long time, whereof none can testify the hearing or seeing, which is not to endure generally above forty years.

122. It is abuse that a man have an action personal from a longer time than the last Eyre.

123. It is abuse of the writ of account, for which every one may imprison another wrongfully.

124. It is abuse that one is bound to render an account of issues of land whereof he is guardian by title of law.

125. It is abuse that the writ of *Ne in juste vexes* is so out of use.

126. It is abuse that battles be not in personal actions as well as in felonies.

127. It is abuse that proofs and purgations be not by the miracle of God where other proof faileth.

128. It is abuse to join battle betwixt persons who are not admitted to wage battle.

129. It is abuse that a knight is otherwise armed than another man in a combat.

130. It is abuse that judges have cognizance by original writ, or warrant by vouchers, or in others to which his jurisdiction extendeth not.

131. It is abuse to suffer a voucher to warranty in the king's writ of *Quo warranto*.

132. It is abuse that those who are found usurers by indictments

Digitized by Google

after their deaths are suffered to be buried in sanctuaries, and that the lands do not escheat to the lords of the fees.

133. It is abuse that vicious obligations drive the authors to personal damages, in as much as they are voidables.

134. It is abuse to compel jurors, witnesses, to say that which they know not, by distress of fine and imprisonment after their verdict, when they could not say any thing.

135. It is abuse to use the words (to their knowledge) in their oath, to make the jurors speak upon thoughts, since the chief words of their oaths be that they speak the truth.

136. It is abuse that one examine not the jurors, though they find at least two to agree.

137. It is abuse to put more words in the doing of homage; but thus, I become your man, for the land which I claim to hold of you.

138. It is abuse to answer or appear by attorney.

139. It is abuse to make justices such parties without the writ in the king's presence, if not with the assent of the parties.

140. It is abuse that the writs of *audita querela*, and conspiracy and others contain not the substance of the plaints.

141. It is abuse that the justices of the bench meddle with more pleas than of wrong done against fines, grand assises, translation of pleas out of lower courts, and of darrein presentment, and of the rights of the king, queen and their allies.

142. It is abuse to use a Pone when their causes are discussed, if the parties challenge the same, for a lying purchaser ought not to have benefit of his leasings.

143. It is abuse to sue forth grand distress in pleas of attachments, whereof the defaults are to the profit of the king, and not of the plaintiffs.

144. It is abuse that trespassers who have nothing, are not banished from towns, counties, manors, and hundreds as they used to be.

145. It is abuse to hold that a *petit cape* maketh other title but to save every right in real action, not in others.

146. It is abuse that the issues of grand distresses in mixt actions come not to the profit of the lords of the fees, and others who have courts, as they do to the king, of pleas moved in his court upon the same actions.

147. It is abuse to think the same punishment is to be to mainprisors, as to principals who make default, whereas they are amercable only in courts.

148. It is abuse to amerce a man in plesive of fee, or of service, going out of the land by default in a personal action or real; for outlawry or loss of land is sufficient punishment.

149. It is abuse that sheriffs do not execution of writs *vicecountiels*,

Digitized by Google

in as much as the plaintiffs have found pledges *de prosequend*, where there is no mention to take sureties.

150. It is abuse to distrain for arrearages of services issuing out of lands, moveable goods, whereas no distress ought to be but in the land only.

151. It is abuse that the tenant may without punishment enfeoff a third person of the land, of his lord in prejudice of him, or do other thing, or say any thing against the points of his oath of fealty.

152. It is abuse to suffer a man who is a champion to be a witness.

153. It is abuse that none have recovery of wrong done by the king, or the queen, but at the king's pleasure.

154. It is abuse to judge a man to divers punishments for one trespass, as to a corporal punishment and to a ransom, since ransom is but a redemption from corporal punishment by payment of a fine of money.

155. It is abuse that people defamed of offence are not barred from making oaths, and of their dignities, and of their other honors.

And divers other abuses appear by those who well understand the writ before written.

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

VH CH EW
A concise legal dictionary :
Stanford Law Library
3 6105 044 720 204

Digitized by Google